

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GREE, INC.,) (
PLAINTIFF,) (CIVIL ACTION NOS.
) (2:19-CV-237-JRG-RSP
) (2:19-CV-310-JRG-RSP
VS.) (2:19-CV-311-JRG-RSP
) (
) (MARSHALL, TEXAS
) (
SUPERCELL OY,) (APRIL 30, 2021
DEFENDANT.) (9:06 A.M.

TRANSCRIPT OF JURY TRIAL

BEFORE THE HONORABLE JUDGE RODNEY GILSTRAP

UNITED STATES CHIEF DISTRICT JUDGE

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(Proceedings recorded by mechanical stenography, transcript produced on a CAT system.)

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1 P R O C E E D I N G S

2 (Venire panel in.)

3 COURT SECURITY OFFICER: All rise.

4 THE COURT: Thank you. Be seated, please.

5 Good morning, ladies and gentlemen. It's good to
6 see you. Thank you for being here.

7 My name is Rodney Gilstrap, and I am the Chief
8 United States District Judge for the Eastern District of
9 Texas. I have lived in Marshall since 1981. I practiced
10 law in and around this area for 30 years, and I've been on
11 the bench here in the U.S. District Court since 2011.

12 I'll make a confession. I wasn't born in Texas,
13 but I got here as quickly as I could. I came to Texas
14 in -- well, I'll say I was 18 years of age. I came to
15 Texas to go to college, and then I stayed and went to law
16 school at Baylor University. I am married. I have two
17 grown children. And my wife owns and operates a retail
18 floral business here in Marshall.

19 Now, I tell you all these things about myself
20 because in a few minutes, I'm going to ask each of you to
21 give me the same kind of information about yourselves, and
22 I think you're entitled to know as much about me as I'm
23 going to find out about each of you.

24 We're about to engage in jury selection in two
25 different civil cases where both cases involve allegations

1 of patent infringement. We'll be selecting two juries for
2 two separate trials out of this panel that's in the
3 courtroom today.

4 Each jury will consist of eight people. One trial
5 is going to begin today and continue through the remainder
6 of next week. A second separate trial will begin on
7 Thursday, May the 13th, and run through May the 20th.

8 Now, before I go any further, let me mention some
9 of the safety precautions that we've taken. All of you
10 received a letter from the Court giving you an outline of
11 the protocols that we're implementing during this difficult
12 time to maximize everyone's public health and safety.

13 Also, those selected on the juries during these
14 two trials, each member of the jury will have their
15 temperature taken each morning when you arrive at the
16 courthouse. Each day when we recess for the evening, the
17 jury box, the restrooms, the jury room will all be deep
18 cleaned and disinfected.

19 Also, ladies and gentlemen, once the jury is
20 selected and is in the jury box and we begin the trial
21 process in each of these two cases, I'm going to ask that
22 those members of the jury replace these face masks that
23 you've all got on now, that I can only see about half of
24 your faces, and I'm going to ask each member of the jury to
25 use a plastic face shield instead of the mask that you

1 have.

2 It's important that the lawyers be able to see the
3 jury's entire face. It's important that the Court be able
4 to see each face of each juror. And it's important that
5 you be able to see my face. That's why I don't have a mask
6 on right now.

7 And though counsel will remain masked when they're
8 at counsel table, when they go to the podium to either
9 address the Court or address the jury, they'll take their
10 mask off, too, so that everybody sees the full view of
11 everybody that's communicating with each other. That's
12 just a necessary part of conducting a jury trial.

13 So we'll make that change once each jury is
14 selected and we begin each of these two trials.

15 Also, those of you that are on the juries, we're
16 going to space you out in the jury box. We're going to
17 put, as I said, eight jurors in each case. We'll put four
18 on the front row, four on the back row. We'll leave a
19 vacant chair between everybody. You won't be sitting right
20 next to -- shoulder-to-shoulder to another juror during the
21 trial.

22 Also, I've ordered the clerk's office during each
23 of these upcoming trials to provide the jury each day with
24 lunches. So your lunch is going to be provided by the
25 government. It will be brought to the jury room.

1 You'll have your lunch in the jury room with your
2 fellow jurors. You won't be going out into the community,
3 having to look for some lunch and then come back. Again,
4 that will maintain the distancing that will help contribute
5 to the safety of what we're doing.

6 Also, you probably can't see them, but on both
7 sides of the jury room, just inside the bar, there are
8 free-standing air filtration systems that we've added.
9 They're on and running because I turned them on this
10 morning myself. And they will run throughout the trial,
11 and they will constantly filter the air in the courtroom
12 throughout the proceeding.

13 There may be some other precautions, ladies and
14 gentlemen, that we'll take and that I'll tell you about as
15 we go further, but I wanted to call those to your
16 attention.

17 Now, if you'll indulge me, I'd like to briefly
18 review with you how we came to have our American civil jury
19 trial system.

20 If you go back in ancient history and if you begin
21 with the Pentateuch, the first five books of the Old
22 Testament, you'll find that the ancient Jewish Nation
23 empaneled juries to decide questions of property ownership
24 and property value. The ancient Greeks began using the
25 jury system about 1500 BC.

1 And the Romans, as they did with many things,
2 copied the jury system from the Greeks. And it was the
3 Romans that brought the jury system to what we know as
4 Great Britain today, or England, when they crossed the
5 channel and conquered that island in the 4th century AD.

6 And the jury trial system brought to England by
7 the Romans flourished from that time until about the 12th
8 century AD when a rather tyrannical king came to the throne
9 of what was then Great Britain. His name was King John.

10 And King John became embroiled with his nobles in
11 many disputes that led that country to the verge of civil
12 war. One of the specific disputes between King John and
13 his nobles that led to that crisis was King John's efforts
14 to constrain and do away with the right to trial by jury.

15 Thankfully, that did not become a civil war in
16 England. Civil war was averted, and it was averted by an
17 agreement that the King and his nobles signed as a place
18 called Runnymede.

19 That agreement, you may have all heard of before,
20 is called the Magna Carta. And in that agreement, it
21 guarantees the right to trial by jury to those in Great
22 Britain.

23 As a matter of fact, ladies and gentlemen, you
24 might be interested in this fact. 28 of our 50 United
25 States have adopted in their own state constitutions the

1 exact language from the Magna Carta, guaranteeing the right
2 to trial by jury.

3 So you can see that when our forefathers came to
4 North America as British colonists, they brought the
5 concept of the jury trial -- the civil jury trial with
6 them. And the jury trial system flourished in colonial
7 America for over a century.

8 But then another tyrannical king came to the
9 throne of Great Britain. This time his name was King
10 George, III.

11 And King George, like King John before him, tried
12 to restrict and limit the right to trial by jury among his
13 British colonial subjects. As a matter of fact, when
14 Thomas Jefferson sat down to write the Declaration of
15 Independence, which, as you may know, spells out the
16 various grounds upon which the American colonists felt
17 compelled to seek a separation from Great Britain and form
18 our own independent country, one of the specific reasons
19 Thomas Jefferson set forth in the Declaration of
20 Independence requiring that we become a separate nation was
21 the King's effort to constrain and limit the right to trial
22 by jury.

23 So you can see, ladies and gentlemen, that -- or
24 you all know that we did become our own independent nation,
25 formed the United States of America. And shortly after our

1 independence, we adopted what is and continues to be the
2 governing document of our country, the supreme law of the
3 land, the Constitution of the United States.

4 And after the adoption of the Constitution, there
5 were immediately 10 amendments, additions that were added
6 to it. And you all know those 10 amendments, the first 10
7 amendments to the Constitution, which we commonly call the
8 Bill of Rights. And within those first 10 amendments, the
9 Seventh Amendment to the Constitution guarantees the right
10 to trial by jury in a civil case.

11 And those 10 amendments in the Bill of Rights were
12 ratified by the several states and became part of our
13 Constitution, our supreme law of the land, in 1791. So
14 since 1791, every American citizen has had a
15 constitutionally guaranteed right to resolve their civil
16 disputes through a trial by jury.

17 So by you being here today, ladies and gentlemen,
18 in a very real sense, by presenting yourself for jury duty,
19 you are doing your part to preserve and pro -- preserve,
20 protect, and defend the rights conferred by our
21 Constitution, particularly, the right to trial by jury
22 guaranteed by the Seventh Amendment.

23 I always tell citizens who appear for jury duty,
24 as you have this morning, that in my personal view, jury
25 service is the second highest form of public service than

1 any American citizen can render. In my personal view, the
2 highest form of public service are those young men and
3 women that serve in our armed forces.

4 Now, when the lawyers address you later today, as
5 they will, they're going to ask you various questions, and
6 I want you to understand they're not seeking to pry into
7 your personal affairs unduly. Let me say it another way.
8 They're not intentionally trying to be nosy. They're
9 trying to gather relevant information for purposes of
10 helping select and empanel a fair and impartial jury to
11 hear the evidence in this case -- in both of these cases
12 and to return a verdict.

13 The important thing for each of you, ladies and
14 gentlemen, when you may be asked questions by the lawyers,
15 is to give full, complete, and truthful answers. As long
16 as the answers you give to any question you're asked is
17 full, complete, and truthful, then there are no wrong
18 answers.

19 I don't know if it will happen today, it rarely
20 does, but I want you to know that if by chance any of you
21 were specifically asked a question that you considered in
22 your own circumstances so personal and so private that you
23 were not comfortable answering it in front of everybody
24 else on the panel, you have the option to simply say in
25 response: I'd like to talk to Judge Gilstrap about that.

1 And if that's your response, I'll provide an opportunity
2 where you can answer that question outside of the presence
3 of everyone else.

4 But you need to know that does not come up very
5 often, but it does, and I want you to be aware that you at
6 least have that option.

7 As I mentioned, ladies and gentlemen, we're
8 selecting two juries for two separate trials during this
9 process today.

10 The first trial, as I mentioned, will begin later
11 this afternoon, and I'm confident it will go through all of
12 next week. I expect the first trial to continue through
13 the end of next week. Today is April the 30th, so for the
14 first trial, we're talking about through May the 7th in all
15 likelihood. That is my best estimate. It's not a
16 guarantee. But that's my best estimate.

17 The second trial is going to begin on May the
18 13th, which is a Thursday. And those of you selected for
19 the second trial -- that will be selected as the second
20 jury for that second trial, which will begin there, will
21 need to come back on May the 13th and present yourself, and
22 we'll start that second trial with the second jury on May
23 the 13th.

24 And I'm confident that that trial is going to go
25 probably a week in duration, so probably from May the 13th

1 through May the 20th. Again, that's my best estimate.

2 Now, we're going to select the jury for the trial
3 that begins on May the 13th first. And then after that
4 jury is selected, those jurors will be excused with the
5 instruction to come back on May the 13th when we start that
6 trial.

7 And then we'll proceed to select the jury for the
8 case that's going to begin this afternoon and run through
9 next week.

10 So I need to know at this point, because if you
11 are selected for either of these juries, you'll need to be
12 available to serve throughout the period of time that I
13 anticipate the trials are going to take.

14 So I need to ask if there's anyone on the panel
15 that with regard to two -- those two blocks of time, today
16 through the end of next week and May the 13th through May
17 the 20th, a Thursday to a Thursday in the month of May, if
18 there are any of you that either during those periods of
19 time have a surgical procedure scheduled for yourself or an
20 immediate family member who's dependent upon you or there's
21 some other compelling, serious reason that would keep you
22 from being available to serve during either of those times
23 if you were selected. If that's the case, that's something
24 I need to know about.

25 If there's anybody that feels like that applies to

1 you, would you raise your hands and let me make a note of
2 it? And keep them up.

3 Okay. No. 5. Thank you, ma'am.

4 Sir, what's your number? 13? All right. No. 13.

5 Ma'am, I can't see your number. Okay. 32.

6 And then there's a lady on the aisle, 24; is that
7 right?

8 VENIRE MEMBER: Yes, sir.

9 THE COURT: Thank you.

10 Okay. Who else have I missed? 34, I see.

11 33.

12 25.

13 Anybody else? Okay. Thank you. I think I've got
14 those marked down.

15 And I need to go -- excuse me. I need to go back
16 and clarify something. I asked for both periods of time at
17 the same time. I need to know separately which particular
18 period of time would be a conflict for you.

19 So, No. 5, is it for this period of time, or is it
20 for the May 13th period of time you'd have a problem for?

21 VENIRE MEMBER: I'm having dental surgery.

22 THE COURT: I don't need to know why. I just need
23 to know which period of time.

24 VENIRE MEMBER: Both.

25 THE COURT: Both? Okay.

1 No. 13, is it one, the other, or both?

2 VENIRE MEMBER: Both.

3 THE COURT: No. 24?

4 VENIRE MEMBER: Both.

5 THE COURT: No. 25?

6 VENIRE MEMBER: Both.

7 THE COURT: No. 32?

8 VENIRE MEMBER: Probably the second one.

9 THE COURT: Second one?

10 VENIRE MEMBER: Yes.

11 THE COURT: Thank you.

12 No. 33?

13 VENIRE MEMBER: The second one.

14 THE COURT: Second one. Thank you.

15 No. 34?

16 VENIRE MEMBER: The first one, but possibly the
17 second one. It's going to be the first for sure.

18 THE COURT: First for sure, possibly the second.
19 Okay.

20 All right. Thank you for that clarification.

21 Now, before we go any further, I'd like to give
22 you a brief preview of how we're going to select these two
23 juries.

24 First of all, each of you are going to be asked to
25 answer about nine separate questions where I get to learn

1 as much about you as you learned about me. And after those
2 questions, those nine questions are asked, the lawyers in
3 the second case that will begin on March the 13th are going
4 to examine the panel and ask any specific questions that
5 they want to ask. Then after that -- that jury for May the
6 13th is selected and sworn in, I'm going to excuse that
7 jury with the instruction to be back and prepared to go
8 forward on May the 13th.

9 Then once the first jury for the second trial, the
10 May the 13th trial, is selected and sworn and excused, then
11 Ms. Clendening, from the clerk's office, will be back in
12 the courtroom, and she's going to reshuffle all of you and
13 reseal you and you're going to get different numbers so
14 that when the second jury is selected for the case that
15 will begin today, you won't be in the order that you are
16 now.

17 And we'll be in -- I'll be off the bench when
18 that's done, and then when she's got you reshuffled and
19 resealed, then I'll be back, and we'll proceed to have the
20 lawyers from the first case, which will be the second jury
21 that we select, come in and ask their questions and proceed
22 to select that jury.

23 You might note, ladies and gentlemen, the lawyers
24 involved with the jury for May the 13th are seated at the
25 counsel table. That's because they're going to be picking

1 the first jury.

2 And then the lawyers who will be picking the
3 second jury, which will relate to the trial that will begin
4 later today, they're in the jury box. So just for your
5 information, that's who these folks are.

6 All right. At this time, I'm going to call for
7 announcements in the case of Acorn Semi, LLC, versus
8 Samsung Electronics Company Limited, Samsung Electronics
9 America, Inc., Samsung Semiconductor, Inc., and Samsung
10 Austin Semiconductor LLC. This is Civil Case No.
11 2:19-CV-347.

12 What says the Plaintiff?

13 MR. WEBER: Good morning, Your Honor. Bob Weber
14 for the Plaintiff, Acorn Semi, and we are ready.

15 THE COURT: All right. Would you introduce those
16 at counsel table with you?

17 MR. WEBER: Yes, Your Honor. This is Mr. Doug
18 Dixon with the Hueston Hennigan firm in California. And
19 also with me is Mr. Tom Horgan, who is the CEO of Acorn
20 Semi.

21 THE COURT: Thank you.

22 What says the Defendants?

23 MR. CORDELL: Good morning, Your Honor. Ruffin
24 Cordell with Fish & Richardson on behalf of Samsung. And
25 with me are my colleagues, Melissa Smith, and Sheri

1 Salmons --

2 MS. SMITH: Good morning, Your Honor.

3 MR. CORDELL: -- and we're ready to proceed.

4 THE COURT: Thank you.

5 As I told you, ladies and gentlemen, these cases
6 are patent cases arising under the patent laws of the
7 United States. In the Acorn Semi case versus Samsung, the
8 first jury that we'll be selecting, in that case, what the
9 Plaintiff is claiming is that its patents were infringed by
10 the Defendant, and it's seeking money damages because of
11 that alleged infringement.

12 Now, the Defendants, the Samsung Defendants, deny
13 that they infringe any of the patents owned by the -- by
14 the Plaintiff, Acorn Semi, and they contend that one or
15 more of the Plaintiff's patents are invalid.

16 Now, what I've just told you is a very informal,
17 shorthand way of describing the case in layman's terms. I
18 know you've all seen the patent video prepared by the
19 Federal Judicial Center, and having seen that, you already
20 know more about patent cases than most people do when they
21 arrive for jury duty.

22 As I said, the lawyers for both sides in this case
23 are about to question the panel in an attempt to gather
24 relevant information, exercise their challenges, and
25 complete the process of selecting a jury of eight people

1 that will try this case.

2 Again, there aren't any wrong answers to the
3 questions you're going to be asked, as long as the
4 responses you give are full, complete, and truthful.

5 Let me remind you the lawyers are entitled to ask
6 the questions that they're going to to gain the information
7 necessary to help us secure a fair and an impartial jury.
8 They're not attempting to pry into your personal affairs.

9 If for any reason they should ask you a question
10 that's improper or not permitted, I will certainly stop
11 them, ladies and gentlemen. But you should all understand
12 these are experienced trial lawyers. They are well
13 acquainted with the rules of procedure and the standing
14 orders of this Court, and I don't expect that to happen.

15 One thing I do want to call your attention to
16 because it's possible that the lawyers may ask you about
17 your ability to apply this, and that is the burden of proof
18 that will be applied in this case.

19 In a patent case such as this one, the jury is
20 called upon -- may be called upon to apply two different
21 burdens of proof. The jury will apply a burden of proof
22 known as the preponderance of the evidence and a second
23 burden of proof known as clear and convincing evidence.

24 Now, when responding to any of the lawyers'
25 questions about the burden of proof, I need to instruct you

1 that when a party has the burden of proof on any claim or
2 defense by a preponderance of the evidence, it means that
3 the jury must be persuaded by the credible or believable
4 evidence that that claim or defense is more probably true
5 than not true. I'll say that again, more probably true
6 than not true.

7 Sometimes this is talked about as being the
8 greater weight and degree of credible testimony.

9 Let me give you what I hope will be a useful
10 example. I think you can see in front of me and in front
11 of our court reporter, we have a statue of the Lady of
12 Justice here in the courtroom.

13 She's blindfolded. She holds unsheathed in her
14 right hand and lowered at her right side the Sword of
15 Justice. She holds in her left hand above her the Scales
16 of Justice. Those scales, ladies and gentlemen, are
17 balanced and equal, and that's where these parties start
18 off -- where they start off, balanced and equal in the same
19 position.

20 Think about the burden of proof this way. Over
21 the course of the trial, both the Plaintiff and the
22 Defendants are going to put their respective evidence
23 before the jury, and that evidence will go on one side of
24 those scales or the other side of the scales. The
25 Plaintiff's on one side. The Defendants' on the other.

1 And then when all the evidence has been heard, if
2 a party in the case who has the burden of proof by a
3 preponderance of the evidence, when you look at those
4 scales with all the evidence on both sides, if those scales
5 tip in favor of the party who has the burden of proof by a
6 preponderance of the evidence, even if they tip ever so
7 slightly, then that party has met its burden of proof by a
8 preponderance of the evidence.

9 On the other hand, ladies and gentlemen, when a
10 party has the burden of proving any defense by clear and
11 convincing evidence, the second burden of proof I
12 mentioned, it means that the jury must have an abiding
13 conviction that the truth of the party's factual
14 contentions are highly probable. Let me say that again for
15 emphasis, an abiding conviction that the truth of the
16 party's factual contentions are highly probable.

17 This is a higher standard of proof. The clear and
18 convincing evidence standard of proof is a higher burden of
19 proof or standard of proof than the preponderance of the
20 evidence.

21 I'll take you back to the same example. During
22 the trial, with the parties starting out equal and the
23 scales held above her head being equal and in the same
24 position, all of the evidence is placed for Plaintiff on
25 one side of the scales and for Defendants on the other

1 side.

2 When all the evidence is in, if a party has the
3 burden of proof on any defense by clear and convincing
4 evidence, those scales must tip in that party's favor, and
5 they must tip definitely. It's not enough that they tip
6 ever so slightly. And if they do, then that party has met
7 its burden of proof by clear and convincing evidence.

8 Now, neither of these two burdens of proof, ladies
9 and gentlemen, are to be concerned with a third separate
10 and completely different burden of proof that I'm confident
11 you've all heard about in the media and in movies and
12 television called beyond a reasonable doubt. Beyond a
13 reasonable doubt is the burden of proof applied in a
14 criminal case. It has absolutely no application in a civil
15 case such as this.

16 You should not confuse clear and convincing
17 evidence with evidence beyond a reasonable doubt. Clear
18 and convincing evidence is not as high a standard as beyond
19 a reasonable doubt, but it is a higher standard of proof
20 than the preponderance of the evidence.

21 I give you these instructions in case some of the
22 lawyers for the parties in their questioning ask you about
23 your ability to fairly apply those two burdens of proof to
24 the evidence that you'll hear if you're selected as jurors.

25 Now, before the lawyers address you, at this

1 point, we're going to go through and let each of you answer
2 the nine questions that I told you about myself when I
3 started out this morning.

4 You'll find those nine questions -- they should be
5 on the monitors in the courtroom shortly. You should have
6 copies of them there.

7 Let me explain to you how we're going to do this,
8 ladies and gentlemen. We have two Court Security Officers
9 with us. They'll be in the gallery with two handheld
10 microphones. And when you are called upon to give your
11 information, this is how we're going to do it. I'm going
12 to do it one at a time.

13 We'll start with Panel Member No. 1, Ms. Carroum.
14 And at that point, I'm going to ask her to stand, remove
15 her mic -- her mask, use the handheld microphone, because
16 it's a big room and it's important that we all hear your
17 answers, answer those nine questions, then hand the
18 handheld microphone back to the Court Security Officer, put
19 your mask back on or pull it back up, and then have a seat.

20 And we'll do that with each member, beginning with
21 No. 1, and going through the entire panel.

22 Also, ladies and gentlemen, later in the process,
23 when the lawyers are at the podium and they're asking
24 specific members of you specific questions, then you should
25 do it the same way.

1 Don't answer until the Court Security Officer
2 brings you a microphone, take that handheld microphone,
3 stand up, pull down or take off your mask, answer the
4 question, hand the microphone back, pull the mask up or put
5 it back on, and have a seat.

6 And, again, remember to hold the microphone close
7 enough so that we all hear you.

8 And we're going to be using two handheld
9 microphones. They've both been sanitized. And after the
10 first person uses one handheld microphone, it will be
11 handed back to the Court Security Officer, and the second
12 already sanitized microphone will be used with the second
13 person. And while that's going on, the first microphone is
14 going to be sanitized so that when the third person gets
15 it, it will be clean and sanitized for their use.

16 And that way nobody's going to get a handheld
17 microphone that anybody else has had their hands on or used
18 that hasn't already been sanitized between these uses.
19 That's why we've got two of them, and that's why they'll be
20 passed back and forth as we go through the process.

21 But as you answer these nine questions, remember,
22 when we get to the part where you'll be called upon to
23 answer specific questions, do it the same way. Take the
24 handheld mic from the Court Security Officer, stand up,
25 bring your mask down or take it off, hold the microphone

1 close enough so that everybody can hear you.

2 When you've answered the question, hand the
3 microphone back, put your mask back on or pull it up, and
4 have a seat. Please follow those instructions as we go
5 through this process.

6 So, again, as I said, we'll start with Panel
7 No. 1. Ms. Carroum, if you'll stand and answer those nine
8 questions for us, please.

9 VENIRE MEMBER: My name is Crystal Carroum. I
10 live in Gladewater. I have no children. I currently am
11 not working. My former employment was with Dallas
12 Independent School District. I worked as an instructional
13 supervisor there for approximately 15 years. I have a
14 Bachelor's degree in psychology and a Master's degree in
15 interdisciplinary science with cognates in biology and
16 geology. My husband's name is David Carroum. He works as
17 a vice president of sales at East Texas Mack Sales. He's
18 worked there for approximately 25 years. I have previously
19 served on a jury in a civil case to terminate parental
20 rights, and the judgment was to terminate those parental
21 rights.

22 THE COURT: How long ago was that, ma'am,
23 approximately?

24 VENIRE MEMBER: Approximately 15 years ago.

25 THE COURT: That's fine. Thank you very much,

1 Ms. Carroum.

2 Next is Panel Member No. 2, Mr. Hunter.

3 VENIRE MEMBER: My name is Steve Hunter. I live
4 in Gilmer.

5 THE COURT: Check that microphone, Mr. Elliott,
6 please. Make sure it's on or hand him another one.

7 VENIRE MEMBER: My name is Steve Hunter. I live
8 in Gilmer. I have one daughter. I work for Genesis
9 Endeavors. It's an oilfield contractor. I've worked there
10 about eight years. I went to school at Spring Hill and
11 went to Kilgore College for one year. My spouse's name is
12 Connie. And she's retired from Texas Eastman. And she
13 worked there, like, 10 years. And I was on a jury one time
14 in Gilmer. It was a criminal trial.

15 THE COURT: How long ago was that, sir?

16 VENIRE MEMBER: Probably 12 years.

17 THE COURT: Thank you very much, Mr. Hunter.

18 All right. Next is Panel Member No. 3, Ms. Haugh.

19 VENIRE MEMBER: My name is Glenda Haugh. I live
20 in Atlanta, Texas. I have two children and three
21 stepchildren and 10 grandchildren. I worked at Texas
22 Department of Transportation for 28 years. I'm retired.
23 I've been retired for seven years. My educational
24 background, I went to Atlanta High School. I also went to
25 East Texas Baptist here in Marshall. And I went to East

1 Texas State and received a Bachelor's of Business
2 Administration there. My husband's name is Brad Haugh. He
3 is also retired from Texas Department of Transportation,
4 and he worked for 37 years there. I was on the grand jury
5 in Linden.

6 THE COURT: All right. Thank you, Ms. Haugh.

7 VENIRE MEMBER: I can't remember how long ago it's
8 been.

9 THE COURT: I'm not interested in grand jury
10 service, so if anybody has had grand jury service, you
11 don't need to mention that.

12 Thank you, ma'am.

13 All right. Next is Panel Member No. 4,
14 Ms. Killingsworth.

15 VENIRE MEMBER: My name is Melanie Ann
16 Killingsworth. I live in McLeod, Texas. I have two
17 children -- grown children. I work at Flints Furniture in
18 Atlanta, Texas. I've been there a little over five years.
19 I graduated high school. My spouse's name is Aaron
20 Killingsworth. He works at ChromaScape in Atlanta, Texas.
21 He's been there approximately three, four years. I've had
22 quite a few different -- served on a jury quite a few
23 different times in Linden and here.

24 THE COURT: What does your husband do again?

25 VENIRE MEMBER: He works at ChromaScape. It's --

1 I'm really not sure what all -- they -- it's carbon black.
2 They work with some kind of carbon black stuff.

3 THE COURT: Okay. Thank you. Thank you,
4 Ms. Killingsworth.

5 Next is Panel Member No. 5, Ms. Howard.

6 VENIRE MEMBER: My name is Jackie Howard. I live
7 in Gilmer, Texas. I have two children, six grandchildren.

8 THE COURT: Ms. Howard, could you hold that
9 microphone a little closer?

10 VENIRE MEMBER: Is that better?

11 THE COURT: Let's make sure it's...

12 VENIRE MEMBER: Okay. Can you hear me?

13 THE COURT: That's better.

14 VENIRE MEMBER: Jackie Howard from Gilmer, Texas.
15 I have two children, six grandchildren. I'm retired. I
16 worked as an insurance agent for attorney's malpractice
17 insurance. And I'm -- like I said, I'm retired. And my --
18 I have college education. No degrees, but I've had some
19 college. My spouse's name is Doyle Howard. He works at
20 the McBee Operating Company, which is an -- oil production.
21 And he's still working, and he's worked there 41 years.
22 And I've had civil and criminal.

23 THE COURT: And when and where was your civil jury
24 service?

25 VENIRE MEMBER: It was here, and it was -- I

1 shouldn't say the name of the people. I'm so--

2 THE COURT: Just tell me when -- just where and
3 when?

4 VENIRE MEMBER: Gosh, it's probably been eight
5 years or so.

6 THE COURT: That's good enough. Thank you,
7 Ms. Howard.

8 Next is Panel Member No. 6, Mr. Hall.

9 VENIRE MEMBER: My name is Michael Hall. I live
10 right here in Marshall, Texas. I got one little girl. I
11 work at Mastercraft at Woodlawn factory -- cabinet factory.
12 I graduated high school. My wife's name is Autumn Hall.
13 She works at Chili's, and she's been there about three
14 years. And I've never done jury duty.

15 THE COURT: All right, sir. Thank you very much.

16 Next we'll go to Panel Member No. 7,
17 Ms. Cleveland.

18 VENIRE MEMBER: My name is Jacqueline Cleveland.
19 I live in Pittsburg, Texas. I don't have any children.
20 I'm currently not working. I worked at Pittsburg
21 Veterinarian Clinic for about 24 years. My husband's name
22 is Lawrence Cleveland. I have an Associate's degree from
23 Northeast Texas Community College. He's worked at
24 Pittsburg Independent School District for 24 years. I
25 served on a jury case about five or six years ago. It was

1 a motor vehicle accident.

2 THE COURT: Where was that, ma'am?

3 VENIRE MEMBER: In Pittsburg.

4 THE COURT: Thank you.

5 All right. Next is Panel Member No. 8,
6 Mr. Thomason.

7 VENIRE MEMBER: All right. My name is Randall --
8 well, my name is Randall Thomason. I live in Atlanta,
9 Texas. I got three kids. I'm self-employed within our
10 family business, which we do a lot of real estate,
11 commercial, residential, land acquisition and timber
12 business, stuff like that. I've been there 25, 26 years.
13 Graduated high school in Atlanta. Went to Texas A&M
14 University, got a degree in finance, a minor in accounting.
15 My wife's name is Heather. She's worked at Atlanta
16 Independent School District for the last 15 years. And
17 I've never -- I've been to a jury selection but never was
18 called to serve.

19 THE COURT: All right, sir. Thank you.

20 Next is No. 9, Mr. Case.

21 VENIRE MEMBER: My name is Ricky Case. I have two
22 kids. I'm a self-employed mechanic. Been there for 27
23 years. I went -- I attended TSTI in Waco and graduated the
24 construction equipment mechanic boards. My wife's name is
25 Sheri Case. She's unemployed. She's a house maker. And

1 I -- I've showed up for jury service but was never picked.

2 THE COURT: All right. Thank you, sir.

3 All right. Next is No. 10, Mr. Williams.

4 VENIRE MEMBER: My name is Collis Williams. I
5 live in Longview, Texas. I have one son and two grandkids.
6 I worked for 38 years at Texas Eastman as a training
7 instructor and an operator. I'm currently retired. I have
8 some college. My wife is deceased. And I have served on a
9 jury, both criminal and civil.

10 THE COURT: And where and when, sir?

11 VENIRE MEMBER: Here in Marshall, approximately
12 five years ago.

13 THE COURT: Okay. And your jury service here in
14 Marshall, was it in this court or was it the Harrison
15 County Courthouse?

16 VENIRE MEMBER: Harrison County.

17 THE COURT: Thank you, sir.

18 All right. No. 11 is next, Ms. Crews.

19 VENIRE MEMBER: Good morning. My name is Stacey
20 Crews. I live in Daingerfield. I have three children. I
21 work at UT Health East Texas, Pittsburg Hospital. I've
22 been there about 20 years, and the department I work in now
23 is supply chain. I'm the manager. And I've been working
24 there about four years in that department. I have a
25 college degree, Associate's of Science in social work. My

1 spouse is Carl Crews. He works at Brookshire's as a
2 perishable manager. He's been there about two years now.
3 And I have been on a jury, civil, in Morris County, and I
4 think it's about a couple years ago.

5 THE COURT: All right. Thank you, Ms. Crews.

6 VENIRE MEMBER: Thanks.

7 THE COURT: Next is No. 12, Ms. Galvan.

8 VENIRE MEMBER: I'm Rosalinda Galvan. I have
9 three children. I work at Texas National Bank here in
10 Marshall. I've worked there for two years. I graduated
11 from Marshall High School. My husband's name is Carlos
12 Galvan. He works at C&C Oil Field in Carthage. He's been
13 there about five years. And I don't have prior jury
14 services.

15 THE COURT: Thank you very much, ma'am.

16 All right. Next is No. 13, Mr. Angel.

17 VENIRE MEMBER: Yes. My name is Harold Angel. I
18 live in Gilmer. I have five kids and 10 grandkids. I work
19 for First Pediatrics Home Health. I've worked there for
20 about 13 years. I have a degree in nursing. My spouse's
21 name is Elizabeth Angel. She doesn't work and hasn't for a
22 long time. And I went -- I've never been picked for jury
23 duty.

24 THE COURT: All right, sir. Thank you very much.

25 No. 14 is next, Mr. Cook.

1 VENIRE MEMBER: My name is Robert Cook. I live
2 here in Marshall, Texas. I don't have any children. I own
3 a corrosion consulting company. We inspect oilfield tanks.
4 I've done that for 13 years. I have a Bachelor's of fine
5 arts. I'm single. And I've never done jury service.

6 THE COURT: All right. Thank you, Mr. Cook.

7 Next is No. 15, Mr. Brotherton.

8 VENIRE MEMBER: My name is David Brotherton. I'm
9 from Daingerfield, Texas. I have two older children. I
10 work at Texas Eastman, been there since 1989. I have a
11 Bachelor of Science in industrial engineering. My wife's
12 name is Luann. She is a housewife, primary caregiver of my
13 father. For a long time, she's been there. I've had two
14 jury services before, civil, and it was in Morris County.
15 Both of them were in the '80s.

16 THE COURT: Thank you very much.

17 Next is No. 16, Mr. Teague.

18 VENIRE MEMBER: My name is Jeremy Teague. I live
19 in Union Grove. I have no children. I currently work at
20 Southwest Insulated Panels, working as a shop worker,
21 working -- having worked there almost three years. I
22 graduated from Kilgore College with an Associate's in
23 Applied Science with HVAC. I have no spouse and no prior
24 jury services.

25 THE COURT: All right. Thank you, Mr. Teague.

1 Next is No. 17, Mr. Reynolds.

2 VENIRE MEMBER: My name is Kyle Reynolds. I live
3 in Atlanta, Texas. I have no children. I work for Gregg
4 Orr Extreme as a mechanic. I've worked there for about
5 eight months. I graduated from Atlanta High School. And I
6 am currently attending Texarkana College as a part-time
7 student for automotive technology. I'm single. And I have
8 never served on a jury.

9 THE COURT: All right. Thank you very much.

10 Next is Panel Member No. 18, Mr. Donald.

11 VENIRE MEMBER: My name is Darrel Donald. I live
12 here in Marshall. I have two adult children. I'm retired
13 from the Navy and from the U.S. Postal Service as a
14 mechanic. I've been retired for three years. I went to
15 high school here in Marshall. My spouse's name is Carol,
16 and she's a DOD analyst. She's been there probably about
17 eight to 10 years. Don't know exactly. I've served on a
18 civil case here in Marshall.

19 THE COURT: How long ago, Mr. Donald?

20 VENIRE MEMBER: Probably about 12 to 15 years ago.

21 THE COURT: Thank you very much.

22 Next is Panel Member No. 19, Mr. Johnson.

23 VENIRE MEMBER: My name is Dennis Johnson. I live
24 in Gilmer. I have one 29-year-old son, expecting our first
25 grandbaby in October. I work for Upshur County Road and

1 Bridge. I've been there almost a year. I'm the heavy
2 equipment operator. I'm a graduate of Spruce High School
3 in Dallas. And my wife's name is Dawn Johnson. She works
4 for Longview Bridge. I have no idea what she does. She's
5 only been there about six months. And I've never served on
6 a jury.

7 THE COURT: All right. Thank you, Mr. Johnson.
8 No. 20 is next, Mr. Holbrook.

9 VENIRE MEMBER: Yes. I'm Colin Holbrook from
10 Naples, Texas. No children. I'm self-employed as an
11 Amazon bookseller. My educational background is I
12 graduated from Paul Pewitt High School in 2016. 2020, I
13 graduated from LeTourneau University with a Bachelor's in
14 English with minors in history and psychology. No spouse
15 and no prior jury service.

16 THE COURT: Thank you.

17 Next is Panel Member No. 21.

18 VENIRE MEMBER: My name is Betty Kenward. I have
19 two grown sons. I do not work. I'm a housewife. Didn't
20 finish school. My husband is Thomas Kenward. He's retired
21 from U.S. Steel. And I've not served on a jury.

22 THE COURT: Thank you, ma'am.

23 Next is No. 22, Ms. Reed.

24 VENIRE MEMBER: My name is Patti Reed. I live in
25 Linden. I have two adult children. I'm retired. My

1 previous employment was with Gwinnett County Public Schools
2 in Georgia. I worked there 21 years. My educational
3 background is high school with some college. My spouse's
4 name is Rodney Reed, and his place of employment -- he's
5 retired also. His previous place of employment was O'Neal
6 Manufacturing. He was in management. He worked there --
7 he only worked there for about a year, and before that, he
8 was retired. They called him out of retirement. I only
9 have grand jury service.

10 THE COURT: Thank you, ma'am.

11 All right. Next is Panel Member No. 23,
12 Ms. Visage.

13 VENIRE MEMBER: My name is Sharla Visage. I'm
14 from Longview, Texas. I have two children. During COVID,
15 I went to work with my husband at V&T Truck Center for --
16 so about a year. Before that, I was a stay-at-home mom.
17 My background is I went -- educational background is
18 Marshall High School and graduated with a BA from Baylor
19 University. My husband's name is Thomas Visage. He owns
20 V&T Truck Center and buys and sells used 18-wheelers all
21 over the United States. They started that company in 2006.
22 And I have no prior jury services.

23 THE COURT: Thank you, Ms. Visage.

24 Next is Panel Member No. 24, Ms. Jones.

25 VENIRE MEMBER: My name is Shelley Jones. I live

1 in Diana, Texas. I have two grown children. I work at a
2 Ameripack Foods as a food safety quality assurance manager.
3 I've been there approximately three years. I have high
4 school and multiple food safety courses. I'm not currently
5 married. And I've not served on a jury before.

6 THE COURT: Thank you.

7 No. 25 is next, Ms. Booth.

8 VENIRE MEMBER: My name is Cassandra Booth. I'm
9 from Queen City, Texas. I have three grown children.
10 Place of employment is Christus St. Michael Hospital in
11 food service as a cook. And I also work as a provider
12 part-time for my aunt. I've worked there at the hospital
13 for seven years and about three years for -- as a
14 caregiver. Educational background, I went to school for
15 cosmetology. My spouse's name is Willie Booth. He work at
16 Ward Timber as an operator. And jury services, none.

17 THE COURT: All right. Thank you, ma'am.

18 No. 26 is next, Mr. Cook.

19 VENIRE MEMBER: My name is Marvin Cook. I have
20 two children. I live in Gladewater. I've worked for
21 Halliburton for the last 14 years. I have an Associate's
22 degree from Texas State Technical College here in Marshall.
23 My wife's name is Brandy. She's a general manager for a
24 hotel in Longview. She's done that for the last three
25 years. The -- the first time I've ever been on a jury.

1 THE COURT: First time was when you were called
2 today?

3 VENIRE MEMBER: Yes, sir.

4 THE COURT: Thank you, sir.

5 All right. Next is No. 27, Ms. Smith.

6 VENIRE MEMBER: My name is Candie Smith. I'm from
7 Hughes Springs. I have three grown daughters and three
8 grandsons. I am a home health nurse for Kindred. I've
9 been with this agency for eight months. I've been in the
10 healthcare field since '94. I graduated from Hughes
11 Springs High School, got my EMT through A&M, and my nursing
12 through Northeast Texas. My spouse's name is Tony Smith,
13 and he's a millwright for Delta Fabrication, and he's been
14 there for five years. And I've never served on a jury.

15 THE COURT: Thank you, Ms. Smith.

16 Next is Panel Member No. 28, Ms. Bert.

17 VENIRE MEMBER: My name is Deanna Bert. I live in
18 Hughes Springs --

19 THE COURT: Would you, would you -- Ms. Bert,
20 would you pull your mask down so I can see you?

21 VENIRE MEMBER: I'm sorry.

22 THE COURT: That's okay. Thank you.

23 VENIRE MEMBER: My name is Deanna Bert. And I
24 live in Hughes Springs, Texas. Most of my time is spent in
25 Daingerfield, Texas, however. Two grown children. My

1 place of employment, I am retired but owned a flower shop
2 in Daingerfield, Texas. Worked as bucket washer, designer,
3 bookkeeper, et cetera. I did that for 15 years as an
4 owner. Education is high school in Omaha, Texas, at
5 Pewitt. My spouse's name is Blake Neeley. He was a
6 restaurant owner for 47 years in Daingerfield, Texas. And
7 I have served on several juries, civil.

8 THE COURT: When and where?

9 VENIRE MEMBER: Linden, Texas, 15 years ago, and
10 Morris County.

11 THE COURT: Thank you, ma'am.

12 Next is No. 28, Mr. Shaver.

13 VENIRE MEMBER: My name is George Shaver. And I
14 live in Gilmer, Texas. I have two children, age 12 and 2.
15 My place of employment, I work at a non-destructive testing
16 oil and gas company called XCEL. I'm the corporate IT
17 manager there. I've worked there going on seven years. I
18 graduated from Gilmer High School, and I got my Associate's
19 degree in business administration from Northeast Texas
20 Community College. My wife's name is Jocelyn Shaver. She
21 works in the special education department at Union Grove
22 ISD. She's been working there almost eight years. And I
23 have had no prior jury service.

24 THE COURT: All right. Thank you, Mr. Shaver.

25 Next is Panel Member No. 30, Ms. Hammett.

1 VENIRE MEMBER: My name is Melissa Hammett. I
2 live in Longview, Texas. I have three grown children, one
3 teenager, and four grandchildren. I don't currently work,
4 but prior to that, I was an administrative assistant for
5 Eastman Chemical. I worked there about seven years. I
6 have a high school diploma and some college. My husband's
7 name is Donny Hammett. And he is retired from Eastman
8 after 29 years of work as a chemical operator. And I have
9 no prior jury services.

10 THE COURT: All right. Thank you very much.

11 Next is Panel Member No. 31, Ms. Waddell.

12 VENIRE MEMBER: My name is Camilla Waddell. I
13 have two children. I work in Gladewater as a baby sitter
14 for three years. I've got a high school diploma. My
15 husband's name is Tim. He works for the City of Longview,
16 warehouse manager, 39 years. No prior jury service.

17 THE COURT: Thank you.

18 Next is No. 32, Ms. Rich.

19 VENIRE MEMBER: Yes. My name is Susan Rich. And
20 I live in Atlanta, Texas. And I have two grown children.
21 And I work at Price Hardware in Atlanta, Texas, as an
22 inventory manager. I've been there approximately about 10
23 years. I went -- I graduated from Atlanta High School.
24 I've got some college hours. My husband is a peace officer
25 and a fireman. He's been a peace officer for about 35

1 years and a fireman for 25. And, yes, I have served on a
2 civil case here in Marshall, probably approximately four to
3 five years ago.

4 THE COURT: In this court?

5 VENIRE MEMBER: Yes, sir.

6 THE COURT: Okay.

7 VENIRE MEMBER: Under you.

8 THE COURT: Thank you, ma'am. Welcome back.

9 All right. Next is 33, Ms. Fry.

10 VENIRE MEMBER: Hi. My name is Sarah Fry. I live
11 in Pittsburg, Texas. I have four children. I'm a teacher
12 at Mt. Pleasant High School. Been there for about five
13 years. I graduated at Texas A&M with a Master's in
14 education. I have no spouse. And I have no prior jury.

15 THE COURT: Thank you.

16 Next is No. 34, Ms. Turner.

17 VENIRE MEMBER: My name is Misty Turner. I live
18 in Pittsburg. I have three children. I work at Lowe's in
19 Mt. Vernon. I've been working there for about seven years.
20 I went to high school in Jefferson. My spouse's name is
21 Kenneth Turner. He's been at Priefert's in Mt. Pleasant
22 for about 17 years. And I've not served.

23 THE COURT: What's the name of your husband's
24 place of work?

25 VENIRE MEMBER: Priefert's Manufacturer, trailer

1 manufacturer.

2 THE COURT: Okay. Thank you.

3 All right. Next is No. 35, Mr. Livingston.

4 VENIRE MEMBER: My name is John Livingston. I
5 live in Daingerfield, Texas. I have two grown children.
6 I'm retired with the Titus County Sheriff's Office. I was
7 a corrections officer. I was with them for about 11 and a
8 half years. I attended Daingerfield High School. My
9 wife's name is Carolyn. She's retired through the
10 Daingerfield Independent School District as manager of food
11 services. She worked there for 30 years. I did have a
12 criminal court about 13 years ago.

13 THE COURT: All right, sir. Thank you,
14 Mr. Livingston.

15 Next is No. 36, Ms. Pendley.

16 VENIRE MEMBER: My name is Joni Pendley. I live
17 in Big Sandy. I have two children. I work at a family
18 business called AgPro Systems. We manufacture soil
19 stimulants and soil stabilizers. I am also a compliance
20 officer for Essential Engineering & Management, which is in
21 pipeline inspection services and project management. And I
22 also home school my kids and teach in their co-op. My
23 educational background is a BA in health and kinesiology.
24 My spouse's name is Tim. He's the owner of Essential
25 Engineering & Management, which is a company he recently

1 started. And I served on a criminal case in Houston about
2 15 years ago.

3 THE COURT: Thank you, ma'am.

4 All right. Next is No. 37, Mr. Belt.

5 VENIRE MEMBER: My name is Landon Belt. I live in
6 Ore City. I have one four-month-old daughter. I work at
7 Texas Eastman as an industrial maintenance planner and
8 mechanic. I've been there about seven years. I went to
9 Kilgore College and got an Associate's degree, an
10 industrial maintenance mechanic. My spouse's name is Sarah
11 Belt. She's a stay-at-home wife. She's been doing that
12 since we've been married. And no prior jury service.

13 THE COURT: All right. Thank you, Mr. Belt.

14 Next is No. 38, Mr. Hunt.

15 VENIRE MEMBER: My name is Thomas Hunt. I live in
16 Hallsville, Texas. I don't have any children. I'm retired
17 from T&T Construction, an oilfield contractor. I worked
18 there about 27 years. I attended Cyprus-Fairbanks High
19 School. My wife's name Wynell. She worked at Cherokee
20 Casino in Tahlequah, Oklahoma. She's retired. And I have
21 no prior jury service.

22 THE COURT: All right. Thank you, sir.

23 Next is No. 39, Ms. Crossland.

24 VENIRE MEMBER: My name is Robin Crossland. I
25 live in Gilmer. I have one son. I'm retired from

1 AllenMed. Worked there about five years. Have an
2 Associate's degree in accounting. My husband's name is
3 Jeff. He works at Upshur Florist. He's been there about
4 six years. And I served on a civil case about four or five
5 years ago here, and a criminal case in Upshur County.

6 THE COURT: And what is AllenMed, please?

7 VENIRE MEMBER: We did diabetic testing supplies.

8 THE COURT: Okay. Thank you, ma'am.

9 Next is No. 40, Mr. Pierce.

10 VENIRE MEMBER: Hi. I'm Jonathan Pierce. I live
11 in Marietta, Texas. Lived there about the last 10 years
12 while I worked for Cooper Tire & Rubber Company. Been
13 there for 21 years. I run a z-calender that makes
14 polyester and nylon liner ply for the tires. I'm not
15 married but I do have two children. And I have no prior
16 jury service.

17 THE COURT: All right. Thank you, Mr. Pierce.

18 Thank you very much, ladies and gentlemen.

19 Now, I need to say a couple more things to you
20 before I turn the questioning over to the lawyers.

21 The jurors who are selected to serve in this case
22 will serve as the sole judges of the facts, and the jurors
23 selected will make the sole determination in this case
24 about what the facts are.

25 My job as the Judge is to rule on questions of

1 law, evidence, and procedure, to maintain the decorum of
2 the courtroom, and to oversee an efficient flow of the
3 trial.

4 Additionally, I want to say a couple things to you
5 about our judicial system that I hope will put things in a
6 proper perspective for you.

7 In any jury trial, besides the actual parties
8 themselves, there are always three participants: The jury,
9 the Judge, and the lawyers.

10 With regard to the lawyers, I think it's important
11 for each of you to understand that our judicial system is
12 an adversary system, which simply means that during the
13 course of the trial, the parties will seek to present their
14 respective cases to the jury in the very best light
15 possible.

16 Now, it's no surprise to any of you that lawyers
17 are often criticized in the public and in the media. But
18 the Court's observed that at least some of that criticism
19 results from a basic misunderstanding of our adversary
20 system in which the lawyers act as advocates for the
21 competing parties.

22 And as an advocate, a lawyer is ethically and
23 legally obligated to zealously assert his or her client's
24 position under the rules of our adversary system. And by
25 presenting the best case possible on behalf of their

1 clients, the lawyers hopefully will enable the jury to
2 better weigh the relevant evidence, to determine the truth,
3 and to arrive at a just verdict based on that evidence.

4 This system of justice -- this adversary system of
5 justice has served our nation well for over 200 years.
6 America's lawyers have always been, continue to be, and
7 will in the future be an integral part of our system.

8 So as we go forward with the trial in this case,
9 even though it's possible that I might frown from time to
10 time, or even roll my eyes at the lawyers, it's simply
11 because I'm trying to make sure that their advocacy doesn't
12 get outside the boundaries of our adversary system.

13 But please keep in mind, they are doing their
14 jobs, and I think it's important for all of you to be aware
15 of that as we go forward.

16 Also, ladies and gentlemen, during the course of
17 the trial for which this jury is going to be selected, I
18 will do my very best to make sure that no one on the jury
19 knows what I think about the evidence, because determining
20 the facts from the evidence is the jury's job. It is not
21 my job.

22 Therefore, if you're on this jury, you should not
23 take anything you see or hear, or you think you see or hear
24 as coming from me, as something to consider or a factor to
25 take into account in determining the ultimate facts of the

1 case.

2 (The following was held in the second voir dire
3 proceeding.)

4 (Recess.)

5 (Venire panel in.)

6 COURT SECURITY OFFICER: All rise.

7 THE COURT: Be seated, please.

8 Good afternoon, ladies and gentlemen. We're about
9 to engage in the selection of our second jury today.

10 At this point and on the record, I'll call for
11 announcements in the case of GREE, Inc., versus Supercell
12 Oy, Civil Case No. 2:19-CV-237, 2:19-CV-310, and
13 2:19-CV-311.

14 What says the Plaintiff?

15 MR. GILLAM: Good afternoon, Your Honor. Gil
16 Gillam, Steve Moore, and Jamie Laird is with us here as
17 well, Your Honor, for GREE, and we're ready to proceed.

18 THE COURT: Thank you.

19 What says the Defendant?

20 MR. DACUS: Good afternoon, Your Honor. Deron
21 Dacus here with Mike Sacksteder on behalf of Supercell.
22 And at the table with us, Your Honor, is Mr. Greg Harper,
23 who is the general manager and the chief officer in charge
24 of Supercell's U.S. operations.

25 THE COURT: All right.

1 MS. DACUS: And we're ready to proceed, Your
2 Honor.

3 THE COURT: Thank you.

4 As we discussed this morning, ladies and
5 gentlemen, this case is a case involving patent
6 infringement, or allegations of patent infringement, where
7 the Plaintiff contends the Defendant -- in this case the
8 Plaintiff is GREE, and the Defendant is Supercell -- where
9 the Plaintiff contends that the Defendant has infringed
10 patents that it owns and the Plaintiff seeks money damages
11 for that alleged infringement, and the Defendant contends
12 that it does not infringe any of the Plaintiff's patents
13 and that one or more of the Plaintiff's patents are
14 invalid.

15 Now, all of my instructions I gave this morning,
16 including the burdens of proof, and everything you heard
17 from the Court this morning will apply in this case, as
18 well.

19 All right. Mr. Gillam, at this time, you may
20 address the panel on behalf of the Plaintiff. Would you
21 like a warning on your time?

22 MR. GILLAM: Yes, Your Honor. Five minutes,
23 please.

24 THE COURT: All right. Proceed when you're ready.

25 MR. GILLAM: Thank you, Your Honor.

1 Good afternoon, everybody. My name is Gil Gillam.
2 I am one of the lawyers that represents our client in this
3 case, GREE.

4 Let me echo what the other lawyers said to you
5 this morning, and I know I speak for everybody here today,
6 how much we appreciate you spending your day with us today,
7 participating in the jury process. It doesn't -- our
8 system of justice doesn't work without you. So thank you
9 very much, particularly on behalf of myself and our client.

10 Let me introduce to you a couple of people I did a
11 few moments ago. This is Steve Moore. Mr. Moore will be
12 trying this case along with me.

13 And you'll also be meeting another attorney named
14 Taylor Ludlam, and she will be here during the trial of
15 this case.

16 This is Jamie Laird who is assisting us here
17 today, as well.

18 And our client representative will be here later
19 this afternoon for opening arguments, and his name is Eiji
20 Araki.

21 And so let me proceed now and do what the other
22 attorneys did this morning and give you just a few moments
23 that are -- or talk to you for just a few moment that Judge
24 Gilstrap has given us to tell you a little bit about the
25 case and a little bit about why we're here.

1 First of all, I'll do what the other lawyers did,
2 as well. I live in Longview, Texas. I've practiced law
3 here in Marshall for a little over 40 years now. I do
4 practice with Melissa Smith, who you met earlier this
5 morning. And we've been practicing together for about 25
6 years now.

7 I grew up in Bryan-College Station, went to Baylor
8 undergrad, went to Baylor Law School, as well. I have
9 three children. They're all adult children. And I have
10 three grandchildren. And I have served on two juries. I
11 was on a DWI case once, and then I was on a case where we
12 spent all day long trying to figure out whether or not
13 somebody had illegally parked at a Walmart over on Fourth
14 Street in Longview.

15 This case that you're going to hear today or,
16 actually, beginning today and into next week -- all cases
17 are important, but I will tell you that I think you're
18 going to find this case more interesting and probably more
19 substantive than that particular case was.

20 So let me tell you a little bit about our client,
21 GREE. GREE is an innovative media and gaming company that
22 is headquartered in Tokyo, Japan. It's got about 1,700
23 employees, and it has about 1,800 patents or patent
24 applications worldwide.

25 To understand a little bit about GREE and its

1 history, you've got to go back to the early 2000s. At that
2 time, you may remember, social media was just sort of
3 kicking off at that time. You may remember MySpace, things
4 of that ilk. Video gaming at that time was on consoles,
5 like Xbox and Nintendo, that kind of thing.

6 You had multi-player play, but it was basically,
7 if you're going to have that, it was controllers in the
8 same room with people playing in the same room.

9 Games themselves were very expensive at the time.
10 And if you went out and bought a game, it was, say, \$50.
11 And if you didn't like it, then it was -- it could be a
12 difficult proposition for you. But if you spent \$50, then
13 you were stuck with the game.

14 Well, GREE claim along, and it actually started a
15 social media platform back in, I think, 2004, and it worked
16 on creating a brand new way of multi-player communication
17 through social video games played on multiple devices. And
18 that's how GREE has grown over the years.

19 This was right before smartphones that we have
20 today. In fact, GREE did one of the first mobile social
21 media games in 2007 called Fishing Star. It was one of the
22 first ones that was out there, and it's still out there
23 today.

24 So why are we here? Well, as you figured out, and
25 as Judge Gilstrap told you, this is a patent case. It is

1 about six patents issued by the United States Patent Office
2 to our client, GREE.

3 And the patents in this case relate to GREE's
4 innovations in the area called freemium games -- freemium
5 games. And what these are, are games that you can download
6 and play for free, but then if you want to then gain
7 additional features or go further in the games, you will
8 pay to go further than that.

9 So instead of going down to Game Stop and spending
10 50 bucks on a game and you don't like it, you're stuck with
11 it, freemium allows you to take a game, play it for free,
12 and then move on and play -- or pay as you move along, if
13 you want to do so.

14 It's GREE's position in this case that the
15 Defendant in this case, Supercell, who is seated at this
16 table over here, is trespassing upon our patents. They're
17 using our patents without permission in the games that it
18 has come up with. That's it in a nutshell.

19 It's also our position in this case that Supercell
20 has made a lot of money from its games that uses our
21 patents. So very simply, the case is basically about this.
22 We're going to present evidence to you of that infringement
23 or trespass, and then we're going to sort through the money
24 that Supercell has made as a result of using our patented
25 technology.

1 THE COURT: Mr. Gillam --

2 MR. GILLAM: Yes, Your Honor.

3 THE COURT: -- you need to move on.

4 MR. GILLAM: Yes, Your Honor.

5 That's our position in this case.

6 Now, let me move to the questions I've got for
7 you. Not every case, as we talked about this morning, is
8 right for everybody. We always understand that.

9 So let me try to get to know you a little bit
10 better. I will tell you that some people think that if you
11 sit out there quietly, it's the best way to not get picked
12 for a jury. I can promise you, that is not the way to not
13 get picked for a jury.

14 So I would like you to be as open with me this
15 afternoon as you were with the other attorneys this
16 morning, and as I'm sure you will be with Mr. Dacus here in
17 a few moments.

18 Does anybody know Mr. Dacus, who is seated over
19 here? Mr. Dacus, Deron Dacus, and his wife, Shannon,
20 practice law in Tyler, Texas. Does anybody know them?

21 VENIRE MEMBER: Yes.

22 MR. GILLAM: Okay. Yes, ma'am?

23 VENIRE MEMBER: Well, the last time I was here, he
24 was actually on the case.

25 MR. GILLAM: Okay. And which case -- let's see,

1 this is Juror No. 8?

2 VENIRE MEMBER: Yes. Yes, sir.

3 MR. GILLAM: No. 8, and you're Ms. Rich?

4 VENIRE MEMBER: Yes.

5 MR. GILLAM: Ms. Rich, did you serve on a jury in
6 that case?

7 VENIRE MEMBER: Yes.

8 MR. GILLAM: Okay. And was that a patent
9 infringement case?

10 VENIRE MEMBER: Yes, sir.

11 MR. GILLAM: And did you reach a verdict in that
12 case?

13 VENIRE MEMBER: Yes, sir.

14 MR. GILLAM: Do you remember if the verdict was
15 for the Plaintiff or for the Defendant in that case?

16 VENIRE MEMBER: I think it was for them, yes.

17 MR. GILLAM: For Mr. Dacus's side?

18 VENIRE MEMBER: For -- yes, yes, yes sir.

19 MR. GILLAM: Do you remember whether he
20 represented the Defendant or the Plaintiff in that case?

21 VENIRE MEMBER: I don't.

22 MR. GILLAM: Let me ask you this question.

23 VENIRE MEMBER: Okay.

24 MR. GILLAM: Do you recall whether or not you
25 awarded damages in that case?

1 VENIRE MEMBER: I really can't say. I would hate
2 to say. I mean, I really don't. I just remember it was --
3 it was not guilty.

4 MR. GILLAM: Okay. Okay. I Understand. Thank
5 you. I think that -- I think I understand that.

6 VENIRE MEMBER: Yeah.

7 MR. GILLAM: Thank you, ma'am.

8 Well, let me ask you this question while you're
9 up. I don't believe I've ever had the pleasure of meeting
10 you before, but you've obviously seen Mr. Dacus, who is an
11 excellent lawyer, work in the courtroom before. But
12 anything about the fact that you have seen him as an
13 attorney that might have his side start up ahead of mine in
14 some way?

15 VENIRE MEMBER: Not -- I mean, not -- I don't
16 guess so. I mean, I would just probably have to hear both
17 sides.

18 MR. GILLAM: Fair enough. Thank you, ma'am.

19 Anybody else that knows Mr. Dacus or his firm out
20 of Tyler?

21 They're also represented by Mike Sacksteder, who
22 is seated over here. You'll also hear from a couple of
23 other attorneys, Bryan Kohm and Shannon Turner, and they're
24 from a San Francisco law firm. I'm assuming, unless I see
25 a hand, that nobody knows them. Anybody?

1 Okay. We went through this exercise this morning,
2 but because we've sort of shuffled the deck -- chairs here
3 for a minute, let me ask you again, who knows -- out of
4 this group, who knows each other in this particular case?
5 Anybody?

6 All right. Mr. -- let's see, Mr. Thomason, do you
7 know, behind you, Ms. --

8 VENIRE MEMBER: I know Ms. Rich, Ms. Haugh, and
9 Mr. Pierce, who is over there.

10 MR. GILLAM: Okay. Thank you, sir.

11 Ms. Haugh, Ms. Pierce -- or Mr. Pierce and
12 Ms. Rich.

13 Anybody else that knows people?

14 Okay. Mr. Williams, who did you know, sir?

15 VENIRE MEMBER: I know Mr. Belt.

16 MR. GILLAM: Mr. Belt. Okay, sir. Thank you.

17 Did I miss any hands? Okay.

18 Ms. Jones, I don't think you were up toward the
19 front this morning, I don't believe. Who do you know,
20 ma'am?

21 VENIRE MEMBER: My neighbor. My neighbor.

22 MR. GILLAM: Okay. And it's -- which one is that?
23 Back there --

24 VENIRE MEMBER: No. 18.

25 MR. GILLAM: Ms. Waddell?

1 VENIRE MEMBER: Uh-huh.

2 MR. GILLAM: All right. Thank you, ma'am.

3 And were there any other hands that I missed?

4 There's another one back here.

5 Okay, sir. That is Mr. -- is it Mr. Donald? No,
6 not Mr. Donald. Which hand do I have here? Which juror
7 number is that, sir?

8 VENIRE MEMBER: 15.

9 MR. GILLAM: No. 15. Okay. No. 15, you're
10 Mr. Belt?

11 VENIRE MEMBER: I'm Mr. Belt. I know --

12 THE COURT: Let's use the microphone, please.

13 VENIRE MEMBER: I know Mr. Williams and Mr.
14 Brotherton.

15 MR. GILLAM: Okay, sir. Thank you.

16 The Defendant in this case, Supercell, that I
17 mentioned to you a few moments ago, is a company from
18 Finland. Has anybody heard of Supercell before today?

19 And let me go ahead and tell you this. A number
20 of you said that you have played some of the Supercell
21 games, and so I'm going to get into that in a few moments.

22 But has anybody, other than the games themselves,
23 heard of Supercell, or is that the way that you've heard of
24 them? Anybody heard of Supercell other than the games?

25 Okay.

1 Now, let me step back then. How many have heard
2 of Supercell because you've played some of their games?

3 And that is Mr. -- is it Mr. Reynolds?

4 VENIRE MEMBER: Yes, sir.

5 MR. GILLAM: Mr. Reynolds, No. 24, and what other
6 person did I see at the very back? That'd be Mr. Turner,
7 is it -- Ms. Turner, I'm sorry. No. 29 -- Ms. Turner. And
8 Mr. Pierce.

9 And then is it Mr. Shaver? Okay.

10 Any other -- any others that I missed here? Thank
11 you.

12 Now, I don't have anything -- anything bad to say
13 about any of those games, but I do want to ask a couple of
14 you some of the questions. Let me see the hands again for
15 those of you that have played some Supercell games. And I
16 want to concentrate, if I could here. Let me ask you,
17 Mr. Reynolds, if I could.

18 Mr. Reynolds, what Supercell games have you
19 played? I'm particularly interested in Clash of Clans, Hay
20 Day, Clash Royale, any of those, sir?

21 VENIRE MEMBER: Clash of Clans.

22 MR. GILLAM: Are you in a clan, sir? And this may
23 not mean anything for those of you that don't play it, but
24 I'm asking you specifically about the game.

25 VENIRE MEMBER: No, not anymore. I stopped

1 playing around 2012.

2 MR. GILLAM: Okay. Did you spend any money -- I
3 talked about them being free to start off with and then
4 being able to spend any -- did you spend any money to
5 progress in the game?

6 VENIRE MEMBER: I did not, but I know that a lot
7 of people did that I was around and played with.

8 MR. GILLAM: Okay. Did you ever participate in a
9 clan war?

10 VENIRE MEMBER: No, I did not.

11 MR. GILLAM: Okay. Thank you.

12 And could I see the other hands that were -- that
13 I saw earlier?

14 No. 27. I may get to No. 27.

15 Let me ask -- Mr. Shaver, let me ask this
16 question, sir: Which game did you play, sir?

17 VENIRE MEMBER: The Clash of Clans.

18 MR. GILLAM: Were you part of a clan?

19 VENIRE MEMBER: No, sir.

20 MR. GILLAM: Did you spend any money to move
21 forward in the game process?

22 VENIRE MEMBER: No, sir.

23 MR. GILLAM: Okay. Didn't -- weren't
24 participating in a clan war either?

25 VENIRE MEMBER: No, sir.

1 MR. GILLAM: Okay. Thank you, sir.

2 How many of you on the panel -- I'm sure we're
3 going to get a lot of hands over this, but how many of you
4 own real estate of one form or another?

5 Okay. Who believes -- and let me see a show of
6 hands once you -- once you -- once I ask you this question,
7 but who believes that you got every right to keep people
8 off your property if you find that they're trespassing?
9 Who doesn't believe that? Anybody that doesn't believe
10 that you have a right?

11 Mr. Reynolds, could I talk to you for just a
12 second? If you own a piece of property and it's your
13 property and somebody trespasses on it, tell me how you
14 feel about that.

15 VENIRE MEMBER: Well, I mean, I might own property
16 legally, but the land doesn't belong to anyone.

17 MR. GILLAM: Okay. If you own the property
18 legally and somebody trespasses on your property, do you
19 believe that you would have the right to file a lawsuit to
20 stop them from doing so?

21 VENIRE MEMBER: I believe I have the right to, but
22 I would not.

23 MR. GILLAM: You would not do so. I understand.
24 And that's because why, sir?

25 VENIRE MEMBER: I just don't believe that people

1 have rights to own land that's not theirs.

2 MR. GILLAM: Okay. Thank you, sir. Appreciate
3 that.

4 Anyone else that are landowners that feel the same
5 way, that if you're a landowner and you own some property,
6 that filing a lawsuit is not the way to keep somebody off
7 your land if you think they're trespassing? Anybody?

8 Ms. Visage, let me ask you a question.

9 You're from Longview?

10 VENIRE MEMBER: Yes.

11 MR. GILLAM: Did you do a turn at the Bargain Box
12 or two?

13 VENIRE MEMBER: I have.

14 MR. GILLAM: The reason I'm asking you that,
15 Ms. Smith has done so, as well. And then my wife, as well.

16 Did you know Ms. Smith from the Junior League
17 stuff in Longview?

18 VENIRE MEMBER: I was active about 10 years ago,
19 so I don't remember.

20 MR. GILLAM: Okay. All right. Thank you, ma'am.

21 Do you remember the question this morning, and I'm
22 not going to go through the whole list of questions, but
23 generally, I want to talk to you about the area of too many
24 lawsuits.

25 How many thought there were too many lawsuits?

1 There were a bunch of hands this morning.

2 All right. Can I see the hands? Raise them real
3 high if you think there are too many lawsuits.

4 Okay. I don't know if you remember the discussion
5 this morning, but one of the prospective jurors this
6 morning said: I think there are too many lawsuits. And I
7 think the -- in answer to the question, it would be
8 difficult to say that the person bringing the lawsuit is
9 starting even. Do y'all remember that discussion from this
10 morning, that she would start a little bit farther behind?

11 Is there anyone that believes that generally, that
12 because there are so many lawsuits out there -- and we are
13 obviously in the role of the Plaintiff in this case. Is
14 there anyone that believes that because there's too many
15 lawsuits, that we sort of start off behind a little bit as
16 we get started here today? Anyone?

17 There was another question that was asked this
18 morning. Another gentleman said: Listen, I think there's
19 too many lawsuits, but we're going to start even.
20 Everybody is going to start in the same place. Everybody
21 is going to start equal.

22 How many of you feel that way as we get started
23 here today?

24 Anybody that doesn't feel that way, I need to see
25 your hand, please.

1 Okay. Yes, ma'am. Ms. Pendley? Tell me about
2 that, please, ma'am.

3 VENIRE MEMBER: I'm actually kind of flip-flopped
4 from what you were asking us about.

5 MR. GILLAM: Okay.

6 VENIRE MEMBER: While I do adamantly believe
7 there's too many lawsuits, in this particular case -- I
8 mean, I kind of agree with the too many McDonald's
9 lawsuits.

10 MR. GILLAM: Yes, ma'am.

11 VENIRE MEMBER: In this particular case with
12 patent laws, I really tend to lean a lot more towards the
13 people who started with the intellectual property.

14 MR. GILLAM: Okay.

15 VENIRE MEMBER: So I would say that size, like on
16 second or third.

17 MR. GILLAM: Okay. Okay. Understood. Thank you,
18 Ms. Pendley. I appreciate you raising that for us.

19 Is there anyone, though, that feels that, look,
20 because there are so many cases out there, we start a
21 little bit behind as we get started here?

22 Yes, ma'am. Ms. Haugh, we talked to you this
23 morning about that, correct?

24 VENIRE MEMBER: Yes, sir.

25 MR. GILLAM: Yes. And you feel the same way now

1 as you felt this morning?

2 VENIRE MEMBER: Yes, sir.

3 MR. GILLAM: Okay. Anyone else that feels like
4 Ms. Haugh as we begin here today?

5 Yes, sir. That would be Mr. -- Mr. Thomason, you
6 do, as well, sir?

7 Any other hands?

8 Thank you, sir, for your honesty.

9 MR. GILLAM: Anybody like Ms. Haugh or
10 Mr. Thomason, as we begin here starting today?

11 GREE is a Japanese company. It's a company that's
12 headquartered in Japan.

13 Now, Supercell is headquartered in Finland.

14 We're here in the United States District Court
15 because these are United States patents that were issued,
16 as I mentioned to you, to GREE by the United States Patent
17 Office. And if someone alleges that someone is using a
18 United States patent in the United States, that's where the
19 cases are brought, are in a United States District Court.

20 But I need to ask you, and this is sort of a
21 flavor of what we talked about earlier this morning. Is
22 there any of you that believe that because my client is
23 from Japan, is not a United States company, that it causes
24 you any trouble, as far as them bringing this lawsuit here
25 in the United States? I need to see a show of hands,

1 please. Anyone?

2 I'd rather hear it from you today than I would a
3 week from now when this case is over, okay?

4 Yes, ma'am, Ms. Haugh?

5 VENIRE MEMBER: Now, why are they bringing it?

6 MR. GILLAM: If you have a United States patent.

7 VENIRE MEMBER: It's because it's a United States
8 patent, they have to bring it here --

9 MR. GILLAM: And --

10 VENIRE MEMBER: -- for trial.

11 MR. GILLAM: -- if you allege infringement in the
12 United States, you bring it in the United States, that's
13 where you bring it. Does that cause you any trouble?

14 VENIRE MEMBER: No.

15 MR. GILLAM: Okay. Thank you.

16 Anybody else?

17 Ms. Rich, can I talk to you for just a moment
18 again?

19 I believe I read on your questionnaire that you
20 believe that foreign countries and businesses were
21 detrimental to the U.S. economy in some way.

22 VENIRE MEMBER: Yes, sir.

23 MR. GILLAM: Do you recall that?

24 VENIRE MEMBER: Yes, sir.

25 MR. GILLAM: Well, this is a company that's from

1 Japan. Does this --

2 VENIRE MEMBER: Well --

3 MR. GILLAM: -- cause you any issue -- or should I
4 be concerned about that, as we begin this trial, because of
5 those feelings that you have?

6 VENIRE MEMBER: I would hope not, you know. I
7 mean, I understand that there's going to be stuff that -- I
8 mean, I know that Japan is going to be coming, but I'm --
9 the question, why I said it -- the way I said it -- I guess
10 the way I read it -- I'm sorry, I'm a little nervous -- is
11 that I feel like -- that as being in a business that I am
12 in, that I can see small businesses, and they're taking
13 over some of our small businesses, is the way I was going
14 around.

15 MR. GILLAM: Okay.

16 VENIRE MEMBER: If that makes sense.

17 MR. GILLAM: All right. I understand. Thank you
18 for being honest with me about that. Should that give me
19 some concern based on the limited amount that you know
20 about who GREE is, where they're from, and what they do?

21 VENIRE MEMBER: I should hope not. I mean, I
22 should -- I mean, I feel like I could be okay with that.
23 You know what I'm saying, bias of it, so...

24 MR. GILLAM: Okay. Well, as far as you know,
25 that's not going to put me behind starting off? That's

1 what I need to know. Or if it is, that's perfectly okay,
2 we just need to know it as we go through this little
3 process here.

4 VENIRE MEMBER: I should hope not.

5 MR. GILLAM: Well --

6 VENIRE MEMBER: I mean -- I mean, I -- I really
7 don't know because I haven't really heard.

8 MR. GILLAM: Sure.

9 VENIRE MEMBER: You know, I would like to hear --
10 I mean, you know, if I get picked, I can hear both sides.

11 MR. GILLAM: Yes, ma'am.

12 VENIRE MEMBER: And I can make a -- you know --
13 but they don't know me --

14 MR. GILLAM: Yes, ma'am. Let me -- let's limit it
15 just to the fact that my client is from Japan. Does that
16 cause a problem for you?

17 VENIRE MEMBER: Not really.

18 MR. GILLAM: Okay. Thank you, ma'am.

19 Anybody else that feels that way as Ms. Rich?

20 Does everybody agree that if you're a foreign
21 company, whether you're selling products in the United
22 States -- and this goes to both sides -- whether you're
23 selling products in the United States, that you ought to
24 have to respect or play by the United States patent rules?
25 Who believes that?

1 Anybody disagree with that? Anybody?

2 Now, you're going to hear a lot about video games
3 in this case, a lot. And I notice that a number of you had
4 written down some negative comments about video games on
5 your questionnaires.

6 Who has negative feelings -- some negative
7 feelings about video games in general? Could I see a show
8 of hands? And let me -- let's keep those up for me, if you
9 could. And I'm sorry if I can't see the numbers.

10 But Ms. Pendley is No. 6?

11 Okay. And who else did I get? Mr. --
12 Mr. Thomason, No. 10.

13 And who else did I see? Ms. Visage, No. 3.

14 Who am I missing? Mr. Cook, No. 7.

15 Ms. Rich, No. 8.

16 Ms. Haugh, No. 17.

17 And who have I missed back here? Is it Ms. -- is
18 it No. 23, Ms. Booth? Is that the number?

19 Mr. Donald, No. 22.

20 Ms. Bert, No. 30.

21 THE COURT: You've got five minutes remaining,
22 counsel.

23 MR. GILLAM: Okay. Thank you.

24 Mr. Cook, let me ask you, sir, tell me -- tell me
25 what your concerns are.

1 VENIRE MEMBER: It's just my opinion that I think
2 that the games are bad for a young mind, and that's pretty
3 much it. Besides the -- they've gotten extra gory, and I
4 just don't think it's good for people.

5 MR. GILLAM: Okay, sir. Thank you.

6 Anyone feel -- that raised your hands, anyone feel
7 differently or have another reason, other than what
8 Mr. Cook told us? For those of you that raised your hands?
9 Anybody?

10 We think the evidence in this case is going to
11 show you that Supercell games have made about \$2.87 billion
12 in the United States. The damage number that we're asking
13 for in this case is \$61 million in past damages. Or if you
14 add future damages to it, it comes to \$92 million, but
15 we'll explain those ranges to you.

16 But is there anyone on the jury panel that says, I
17 don't care what the evidence is, as far as what happened
18 here, those are numbers that you're throwing out there that
19 I simply cannot go with?

20 Let me reverse it for you. If the evidence
21 supports those kind of numbers that I just said, 61 to \$92
22 million, could you award that number if the evidence showed
23 that? Can I see a show of hands? If the evidence
24 supported that number?

25 Anyone that could not if the evidence supported

1 it?

2 I'm going to end up like the other two lawyers
3 ended up this morning, and that is, you get to the end of
4 this process, and you think, okay, I've heard what you
5 said, I've heard a little about the case, but you didn't
6 ask me that one question.

7 Is there anything that any of you have gnawing at
8 you right now, based on what you've heard so far, that
9 says, you know what, there's something that fellow didn't
10 ask me that he would want to know that's going to be a
11 factor as to whether or not -- yes, sir, No. -- 11?

12 VENIRE MEMBER: Yes, sir.

13 Personally, I understand what type of games both
14 companies make. You called them freemies. Typically, in
15 the gaming community, they would -- we would call them
16 pay-to-win games. I personally don't like those games at
17 all. So I couldn't be really partial to either party for
18 either desire in the outcome.

19 MR. GILLAM: Okay, sir. And you're No. 11?

20 VENIRE MEMBER: 11.

21 MR. GILLAM: Either side?

22 VENIRE MEMBER: That's right.

23 MR. GILLAM: Okay. And No. 27 back there; is that
24 right, sir, Mr. Shaver?

25 VENIRE MEMBER: My opinion is almost exactly the

1 same as his. I don't -- my young son, he plays video
2 games, and some of them -- you know, they have the
3 pay-to-win or they're called loop boxes, and it makes
4 younger children think, oh, if I spend this kind of money,
5 I'll be better, I'll do better at the games. So I don't
6 feel I'd be impartial to either side.

7 MR. GILLAM: That's the kind of thing I need to
8 know. Any other reasons that you can think of?

9 Yes, ma'am, Ms. Booth?

10 VENIRE MEMBER: Yes. I feel the same way they do.
11 I would be biassed, too.

12 MR. GILLAM: Okay. All right.

13 Anybody else? Anybody else?

14 Yes, ma'am, Ms. Pendley?

15 VENIRE MEMBER: I have to say, as you can see on
16 my questionnaire, I don't really do video games. And so
17 some of that was news to me, but having heard that, if this
18 is a pay-to-win-type thing, that sounds really bad.

19 MR. GILLAM: I understand. Okay.

20 Any other reasons that I -- any other hands that I
21 missed out there?

22 Anybody know what open source means? Anybody?
23 Okay. We got a couple of hands in the very, very back.
24 Okay. All right.

25 Yes, sir, Mr. Williams, you do, as well?

1 Any other hands that I missed there?

2 Okay. Thank you very much for visiting with me,
3 and I also look forward to working with those of you that
4 are selected as jurors in this case. Thank you.

5 THE COURT: All right. Mr. Dacus, you may address
6 the panel.

7 MR. DACUS: Thank you, Your Honor.

8 THE COURT: Mr. Holbrook, would you put your mask
9 back on, please? Thank you.

10 Go ahead, counsel.

11 MR. DACUS: Thank you, Your Honor.

12 Well, as I was sitting there, I was thinking you
13 may need to ice your arms this -- tonight because we keep
14 asking you to raise your arms so many times. So I'll ask
15 you a question that you probably won't need to raise your
16 arms for. How many of you are excited to hear from one
17 more lawyer today? Raise your arm high.

18 Okay. That's kind of what I thought.

19 Now, let me say that Supercell and the 300 men and
20 women that work at Supercell are just as unhappy to be
21 here. Mr. Williams and others told us this morning that
22 they had in the course of their life been falsely accused
23 and that they had the right to stand up for themselves.

24 And Supercell certainly believes that it has the
25 right to stand up and defend itself in a federal courthouse

1 in Marshall, Texas, when it believes it's been falsely
2 accused.

3 As I said to you earlier, I'm Deron Dacus. I'm a
4 lawyer over in Tyler. I actually grew up in Gilmer,
5 graduated from Gilmer High School. Was fortunate enough to
6 get a baseball scholarship and go to Texas A&M. I was
7 fortunate enough to graduate. Went to Baylor Law School,
8 same place that the Judge went, where I met my wife, who
9 was also in law school. We've now been married for 27
10 years, have two college age kids. And we've been in Tyler
11 now for about 25 years or so.

12 The Judge is -- as you know, allows each side to
13 kind of give an overview of how they see things and how
14 they see the case.

15 So I want to take just a few minutes to do that.

16 Supercell is a company that was started in 2010.
17 It was started with very humble beginnings, literally, in a
18 single-room office with chairs but no desks, with a few
19 programmers working on creating games with the thought that
20 they could create games that would be highly successful and
21 would be family-oriented. And to a large degree, they have
22 been successful.

23 Since 2010, they have five games that they've put
24 into the marketplace, and those games have been enjoyed by
25 literally millions of people in the United States and

1 worldwide.

2 Those games, or at least the ones that are at
3 issue in this case, as you've heard, are Clash of Clans,
4 Clash Royale, and another game that I don't think we've
5 heard, but called Hay Day. Those are the games that these
6 folks claim use their patents.

7 Now, the folks at the other table who brought this
8 lawsuit, GREE, they have a fairly different story. As they
9 said, they're a Japanese company. They started out as a
10 social networking company, which basically means that's
11 Facebook and those type of things. In fact, I think they
12 generally call themselves -- and I'm sure they'll say it in
13 this trial, they refer to themselves as the Facebook of
14 Japan.

15 They got into this mobile gaming business sometime
16 after they became this sort of social networking phenomenon
17 in Japan. And although their gaming business was
18 successful in Japan, when they brought it to the United
19 States, it largely was unsuccessful. In fact, in 2017,
20 they withdrew or closed their offices in the United States
21 because of the lack of success of their games.

22 Now, here in this courthouse, they claim that
23 Supercell uses or infringes six of their patents. If you
24 sit on this jury, we're going to put evidence in front of
25 you, employees from Supercell, experts for Supercell are

1 going to testify and show you that, in fact, we do not use
2 these patents. We do not infringe these patents.

3 And indeed, as you heard from the video this
4 morning, you're the ultimate determiner -- you're the
5 ultimate arbiter of whether or not these patents are valid.

6 And four of these six patents are not valid. They
7 don't contain inventions or ideas that are new. It's
8 something that the Patent and Trademark Office should have
9 never issued. And as you've heard from the video this
10 morning, that's your ultimate determination, and you're
11 going to hear evidence in this case that the Patent and
12 Trademark Office never had before it or in front of it.

13 Now, just to make sure we've closed the loop on
14 who knows whom in the courtroom today, Steve Moore works at
15 the law firm -- here at the GREE table -- of Kilpatrick
16 Townsend. Mr. Moore, I think, is in the San Francisco
17 office, but they have offices all over the country. Does
18 anybody know Mr. Moore or the Kilpatrick Townsend law firm?
19 If you do, would you raise your hand and let me know?

20 Okay. Good, I don't see any hands.

21 As Mr. Gillam also said, GREE is located in Japan.
22 And as you might expect, I want to make sure that when
23 we're seating eight fair and impartial jurors, that we
24 don't have any folks that will be partial to them or favor
25 them because they are a Japanese company. So has anyone

1 ever lived in Japan? If you have, would you raise your
2 hand and let me know?

3 Okay. I don't see any hands.

4 Does anyone speak Japanese, raise your hand and
5 let me know.

6 And I'll tell you why I ask that. It's because
7 they're going to have some witnesses that require
8 interpreters. And those people speak Japanese. And you'll
9 hear from them.

10 Yes, sir, Mr. Donald, I think you had your hand in
11 the air, sir.

12 VENIRE MEMBER: I'm not fluent. I just know a few
13 words from being there while I was in the service.

14 MR. DACUS: Okay. You were in Japan in the
15 service?

16 VENIRE MEMBER: Yes.

17 MR. DACUS: All right. Well, thank you for your
18 service, sir, first of all.

19 Would the fact that you served there in any way
20 tend for you to favor them in any way?

21 VENIRE MEMBER: No.

22 MR. DACUS: Okay. Thank you very much.

23 Now, I know Ms. Smith asked this morning whether
24 or not anyone had ever been falsely accused.

25 Mr. Williams, a bunch of others raised their

1 hands. I know you raised your hand, also. I want to ask
2 you something about that. I'm not going to ask you the
3 details about that, but I want to ask you about something.

4 Right here, No. 2.

5 I think you said this morning, Mr. Williams, you
6 felt like you had the right to defend yourself; is that
7 right?

8 VENIRE MEMBER: Correct.

9 MR. DACUS: And I'm not -- as the Judge said
10 earlier, I don't want to know the details of this. But I
11 do want to understand where you stand on things, and then
12 find out where others do, also.

13 Sometimes when folks are falsely accusing you,
14 they're asking you to sort of change what you're doing or
15 change your conduct. Was that a similar situation to what
16 you found yourself in?

17 VENIRE MEMBER: Correct.

18 MR. DACUS: And did you feel like you had the
19 right to say, no, I'm not going to change what I'm doing,
20 I'm going to stick to my guns because I'm right?

21 VENIRE MEMBER: Correct.

22 MR. DACUS: And you understand that's the position
23 that Supercell is in this lawsuit. These folks are saying:
24 Hey, you need to change your conduct.

25 And we say: No, we don't because we're not doing

1 anything wrong.

2 Do you understand that?

3 VENIRE MEMBER: Correct.

4 MR. DACUS: Now, here -- thank you, sir. I
5 appreciate it very much.

6 So here's what I need to know from everyone. Does
7 anyone disagree with what Mr. Williams says and what
8 Supercell is saying in this lawsuit, and that is, look, we
9 don't think we've done anything wrong, and we think we have
10 the right to defend ourselves and not roll over or cower?
11 Anybody disagree with that in general?

12 Ms. Reed, I don't think we've heard from you. Let
13 me ask you. I'm not picking on you.

14 That's No. 5 -- Juror No. 5.

15 VENIRE MEMBER: Would you ask the question again,
16 please?

17 MR. DACUS: I will be happy to. I hope I do a
18 better job.

19 What Mr. Williams said is: Look, just because
20 someone accuses you of doing something, if you really
21 believe you haven't done anything wrong, you have the right
22 to stand up and defend yourself?

23 VENIRE MEMBER: Absolutely.

24 MR. DACUS: Okay. So just because Supercell finds
25 itself in this courthouse, you don't lean towards saying,

1 oh, they must have done something wrong --

2 VENIRE MEMBER: No.

3 MR. DACUS: -- just because they're here to defend
4 themselves; is that a fair statement?

5 VENIRE MEMBER: Yes. I'd want to hear the whole
6 thing, but, yes, generally speaking, that is correct.

7 MR. DACUS: Absolutely. And thank you for raising
8 that. Thank you very much, ma'am. So thanks for raising
9 you'd want to hear the whole thing.

10 VENIRE MEMBER: Right.

11 MR. DACUS: So that -- the other question that got
12 asked this morning -- I think it was Mr. Angel -- I think
13 he said he had five daughters, and he was asked whether or
14 not he accepted the first story that that first daughter
15 told him when she ran to him when they got in a scuffle,
16 and he said, no, because oftentimes the people that tell
17 the story first may not give you the full truth, may not
18 give you the truth at all, but may not give you the full
19 truth.

20 So let me -- let me talk to you, Ms. Crossland. I
21 don't think we've had a chance to talk to you today.

22 So do you generally agree with that?

23 Ms. Crossland, I didn't write down if you had any
24 children or not. Do you?

25 VENIRE MEMBER: I have one son, yes.

1 MR. DACUS: Okay. Well, he doesn't have anybody
2 to fight with. Lucky for you.

3 VENIRE MEMBER: Yes, I do agree with that.

4 MR. DACUS: Okay. And here's why I'm asking that.
5 The way our jury system works is the folks who bring the
6 lawsuit get to go first. Did you know that?

7 VENIRE MEMBER: No.

8 MR. DACUS: Okay. So the folks here who brought
9 the lawsuit, GREE, they get to go first. I have to go
10 second. Supercell has to go second.

11 So what I need you to commit to do, just like
12 Mr. Angel said he did as a good dad, is wait until you hear
13 the full story before you make a decision. Can you agree
14 to do that?

15 VENIRE MEMBER: Of course, yes.

16 MR. DACUS: So thank you very much.

17 So this is what I need to know from everyone. I'm
18 going to have to sit here -- Supercell is going to have to
19 sit here for several days and listen to GREE put on their
20 case and their evidence and bite our lip.

21 You know, it may be late Tuesday or Wednesday of
22 next week before we get to start presenting our case. Can
23 everyone just give me some comfort by raising your hand and
24 letting me know that you'll wait until you hear all
25 evidence before you make the decision? Everyone agree to

1 do that?

2 Okay. Thank you.

3 Now, I'm going to ask a question, and I'm sure it
4 won't be the last one that I ask in this trial that seems a
5 little silly. But who believes that technology plays an
6 important role and an important part of our life today?

7 Pretty much everybody, right?

8 Who agrees that technology, particularly in the
9 last decade, changes very quickly?

10 Everybody agreed to that.

11 Who believes that if you are a business in the
12 technology industry, that you better innovate and you
13 better stay up-to-date with your technology, or you're
14 going to get passed by?

15 And I'll talk about an example here. For some of
16 you that have as much gray hair as I do, you may remember
17 those very first cell phones. They were flip phones made
18 by Nokia. Motorola made them, but -- made one also, but
19 Nokia made one. Anybody remember those cell phones?

20 Okay. Let me ask you, Mr. Cook, if I could.

21 That's Juror No. 7.

22 Do you remember in the early days of cell phones,
23 those flip phones like Nokia had, and do you remember that
24 that's the kind of phone that almost everyone had?

25 VENIRE MEMBER: Yeah, and I kept mine forever.

1 MR. DACUS: Did you?

2 VENIRE MEMBER: Yeah.

3 MR. DACUS: But you agree that probably most folks
4 that walked in here today, they probably don't have those
5 Nokia flip phones. They probably have an Apple or some new
6 brand of a smartphone?

7 VENIRE MEMBER: Yes.

8 MR. DACUS: And I guess what I'm trying to get to
9 is to is, do you agree that the reason most folks have
10 Apple or some other brand of Smartphone today is because
11 folks like Nokia got passed by --

12 VENIRE MEMBER: Yes, correct.

13 MR. DACUS: -- their innovation?

14 Do you find anything wrong with people competing
15 in the marketplace fairly by having new innovation that may
16 surpass the people who came first?

17 VENIRE MEMBER: Not at all.

18 MR. DACUS: Not at all.

19 So thank you very much, sir.

20 So that's what I need to know from everyone else,
21 because I'm going to tell you, that's part of the evidence
22 that I think you're going to hear in this case.

23 Mr. Gillam stood up here and told you that these
24 folks were the first people to have mobile gaming. I don't
25 think we need to argue about that. I may not completely

1 disagree, but we don't need to argue about it.

2 But our position is they may have been the first,
3 but when smartphones came along, then we had better
4 innovations for mobile gaming, and our games have been more
5 successful.

6 So does anyone disagree with Mr. Cook that it is
7 appropriate to compete in the marketplace fairly by having
8 new and better innovation and technology? Does anyone
9 disagree with that?

10 Ms. Waddell, can I ask you --

11 That's Juror No. 18.

12 Did I pronounce your last name correctly?

13 VENIRE MEMBER: Waddell.

14 MR. DACUS: Waddell. Thank you. Do you agree
15 with that, ma'am, that --

16 VENIRE MEMBER: I agree.

17 MR. DACUS: Okay. If you're the first, that
18 doesn't necessarily mean you have the right to remain the
19 only.

20 VENIRE MEMBER: If you're the first, you're not
21 going to be the last. Things are going to change.

22 MR. DACUS: All right. Anyone disagree with
23 Ms. Waddell?

24 Okay. I don't see any hands.

25 Let's see, Ms. Pendley, you act like you might

1 disagree with her? Do you? And it's fine. I didn't say
2 this at the beginning. But you know what the great thing
3 about this country is, we all get to have an opinion. So
4 I'm happy to hear yours --

5 VENIRE MEMBER: I do agree with fair competition,
6 like you said. But if there is a patent, then there's also
7 such things as royalties and some of those kind of stuff
8 to give credit where credit is due. So if the new
9 technology was based on the old technology, shouldn't we
10 get credit?

11 MR. DACUS: Absolutely. Yeah, you won't find any
12 argument from Supercell on that. So thank you very much
13 for letting us know that.

14 I know that we asked this question this morning,
15 and I may not have gotten a complete answer.

16 But let's just talk about the first three rows
17 here. The first three rows, have any of you applied for a
18 patent or have you had a very close relative apply and
19 receive a patent? If you have, raise your hands. Anybody
20 in the first three rows?

21 Mr. Thomason?

22 Anybody else? Oh, you said your uncle had,
23 Mr. Hunt, correct?

24 VENIRE MEMBER: Correct.

25 MR. DACUS: Let me ask you this, Mr. Hunt, just so

1 I can sleep easy at night. These folks over here say they
2 have valid patents. Do you understand that?

3 VENIRE MEMBER: Yes, sir.

4 MR. DACUS: If -- oh, I'm sorry, Judge. I thought
5 you said something.

6 If you serve on this jury, sir, can I sleep
7 comfortable at night knowing that you're not going to favor
8 these folks just because you have an uncle who's also
9 applied for and received a patent?

10 VENIRE MEMBER: Correct.

11 MR. DACUS: You'd be willing to sit there and
12 listen to the evidence and make your decision based on the
13 evidence?

14 VENIRE MEMBER: Sure. Correct.

15 MR. DACUS: Thank you very much, sir.

16 I don't think I asked you, Judge, but would you
17 let me know when I have five minutes left, please, sir?

18 THE COURT: Yes, I will.

19 MR. DACUS: Thank you.

20 Now, who here, before you came here today, and you
21 heard -- remember you heard the patent video this morning
22 that explained to you the patent process? Who, before you
23 came here today, knew that a jury determines whether or not
24 a patent is valid, rather than the Patent Office? Who knew
25 that? Raise your hand.

1 Okay. A few people did.

2 Mr. -- Ms. Hammett, that's Juror No. 13.

3 So the Judge is fond of making confessions. I'll
4 make one, too. Before I started doing these types of cases
5 a dozen or so years ago, I did not know that a jury made
6 that determination either.

7 So you know now from the Court's video that a jury
8 makes the ultimate determination on whether or not a patent
9 is valid. You understand that?

10 VENIRE MEMBER: Yes.

11 MR. DACUS: Okay. And before you came here, you
12 did not know that; is that fair?

13 VENIRE MEMBER: No, I did not.

14 MR. DACUS: Did you know, also, that this patent
15 process, like you've heard about on the video this morning,
16 is a secret process where only the people applying for the
17 patent and the Patent Office are the only people
18 participating in that process? Did you know that?

19 VENIRE MEMBER: I did know that.

20 MR. DACUS: You did know that?

21 VENIRE MEMBER: Yes.

22 MR. DACUS: Okay. That's good.

23 Who else knew that? Who else knew that that
24 patent process was a secret process?

25 Okay. Some people -- I'm not done with you,

1 Ms. Hammett. You're not getting off that easy.

2 VENIRE MEMBER: Oh --

3 MR. DACUS: So here's what I want to know. Given
4 that you now know that a jury makes that determination, and
5 you know, as Mr. Gillam has said to you, that the Patent
6 Office actually issued these folks six patents, would you
7 be willing to find that four of these six patents are not
8 valid if we prove that to you?

9 VENIRE MEMBER: If it's proven to me a hundred
10 percent, then, yes.

11 MR. DACUS: Well, let's talk about that hundred
12 percent now. You remember --

13 VENIRE MEMBER: No, no, the fair balance.

14 MR. DACUS: Right.

15 VENIRE MEMBER: You just got to tip it a little.

16 MR. DACUS: And so let's stop and talk about that.
17 It's fair to say a hundred percent. I suspect you have
18 never done any invalidity analysis on a patent before you
19 walked through that door this morning?

20 VENIRE MEMBER: You would be 100 percent correct.

21 MR. DACUS: Fair enough. And so that -- so it's
22 fine to say a hundred percent. And that's what I want to
23 make sure of now. You remember the Judge said there's this
24 burden called clear and convincing evidence. Do you
25 remember that?

1 VENIRE MEMBER: Yes.

2 MR. DACUS: So these folks have to prove it just
3 by tipping the scale. We've got to prove clear and
4 convincing evidence on invalidity by tipping the scale a
5 bit more. Do you understand that?

6 VENIRE MEMBER: Yes.

7 MR. DACUS: And so if we put that evidence in
8 front of you and prove that these patents are not new, that
9 people had it before they had the idea, including Supercell
10 itself, would you be able to find that these patents are
11 invalid?

12 VENIRE MEMBER: Yes.

13 MR. DACUS: Okay. And so that -- thank you very
14 much, Ms. Hammett.

15 VENIRE MEMBER: Are you done now?

16 MR. DACUS: For now. For now.

17 So here's what I need to know from everyone else.
18 I mean, this is -- I mean, I'm joking with Ms. Hammett a
19 bit. But this is a serious issue. We would not be here if
20 this was not a serious issue for Supercell, and we would
21 not be saying that four of these patents were invalid if we
22 did not truly believe it.

23 Is there anybody here who just has a little bit of
24 reservation that says: Look, the Patent Office issued
25 these patents. I don't know that I can find that they're

1 invalid?

2 Is there anybody that just has a little bit of
3 feeling along those lines?

4 Ms. Pendley, you -- I think you've told us that
5 you're in that camp.

6 Anybody else in that camp that says, even if you
7 prove it, I don't know if I could find they're invalid?
8 Okay. I don't see any hands.

9 And let me ask you one other question. Who has
10 served on a criminal jury?

11 So, Mr. Williams, let me ask you -- not many
12 people raised their hands. I apologize for getting you up
13 again.

14 Do you remember in that criminal -- did y'all find
15 the Defendant guilty or not guilty?

16 VENIRE MEMBER: I think the case -- we went out to
17 deliberate, and when we got back in, they had already --

18 MR. DACUS: Resolved it.

19 VENIRE MEMBER: -- resolved it.

20 MR. DACUS: Okay. Were you thinking the Defendant
21 was guilty or not guilty?

22 VENIRE MEMBER: Pretty much guilty.

23 MR. DACUS: Yeah. And so here's what I want to
24 ask you. Do you remember in that case that the Judge said
25 to you that that Defendant had a presumption of innocence?

1 Do you remember him saying that?

2 VENIRE MEMBER: Yes, sir.

3 MR. DACUS: Okay. And so this Judge is going to
4 tell you, and these folks are going to probably shout it
5 pretty loud, that a patent has a presumption of validity.
6 But that presumption can be overcome just like it was in
7 your criminal case. The Defendant had a presumption of
8 innocence, but the prosecution proved to you that, in fact,
9 they were guilty, and you found they were guilty, or in
10 your mind you did, right?

11 VENIRE MEMBER: Yes.

12 MR. DACUS: And could you do that with respect to
13 these patents if we show you that, in fact, these are not
14 new and that they're invalid?

15 VENIRE MEMBER: Yes.

16 MR. DACUS: Okay. Thank you, sir.

17 I want to touch on this issue that GREE's lawyer
18 raised about the amount of money that GREE's asking
19 Supercell to pay here. And I think he told you it's
20 upwards of \$90 million, depending on how you count it.

21 Is there anyone who believes that if they were to
22 prove to you that Supercell infringes -- we don't think
23 they can. But if they were to prove to you that, that GREE
24 should get whatever amount of money they are asking for?

25 If you believe that, raise your hand.

1 Mr. Thomason, you agree?

2 Anybody else?

3 Ms. Pendley, you agree?

4 That's -- Mr. Reynolds and Mr. Brotherton, y'all
5 both had your hands up, right?

6 And I don't need to ask you, Mr. Brotherton --

7 VENIRE MEMBER: Well, I'm not sure what you asked,
8 I'm sorry.

9 MR. DACUS: Okay. Well, let me do a better job.
10 And I apologize. I've been doing this awhile, but I still
11 do not ask great questions.

12 So these folks say we infringe. We say we don't.
13 But it's not my decision to make. It's going to be your
14 decision. So I don't know how you're going to come out.

15 But they say if Supercell infringes, they want
16 somewhere around \$90 million. So my question is: Even if
17 you find that we infringe, do you believe that they're
18 entitled to \$90 million, or to any other -- anything they
19 ask for without proving it?

20 And I may ask you, Mr. Brotherton -- hopefully
21 I've done a better job of asking the question.

22 VENIRE MEMBER: No, I do not.

23 MR. DACUS: Would they have to prove to you --

24 VENIRE MEMBER: They'd have to prove.

25 MR. DACUS: And I'll tell you that in this case

1 what you're going to find, if you sit on this jury, is that
2 these patents -- I'll say alleged patents and inventions
3 are small -- what we think are very small features in these
4 multi-faceted, multi-component games. And so we say, even
5 if we don't infringe, the amount of money you're asking for
6 is to be diplomatic and unreasonable. Do you understand
7 that?

8 VENIRE MEMBER: Yes, sir.

9 MR. DACUS: And if you sat on this jury, you'd
10 make them prove what the value of their patents were?

11 VENIRE MEMBER: Yes, sir.

12 MR. DACUS: Okay. Let me ask you this,
13 Mr. Brotherton, while I have you up. If I -- let's assume
14 that somebody had a patent on a hubcap for a car, and
15 somebody else had a patent for an engine on a car that
16 would allow the car to get a hundred miles per gallon. Are
17 you with me so far?

18 THE COURT: You have five minutes remaining,
19 counsel.

20 MR. DACUS: Thank you, Your Honor.

21 VENIRE MEMBER: Wish I had the car.

22 MR. DACUS: That's what I was going to ask you:
23 Which of those do you think would be more valuable?

24 VENIRE MEMBER: The engine.

25 MR. DACUS: Right. So you agree, sir, that even

1 folks with patents -- and we don't think four of these are
2 valid. But even folks with patents, some patents have a
3 lot of value, and some patents don't have nearly as much;
4 is that a fair statement?

5 VENIRE MEMBER: I would imagine that's correct,
6 sir.

7 MR. DACUS: Okay. Thank you, Mr. Brotherton. I
8 appreciate it.

9 Anybody disagree with that? Anybody disagree that
10 different patents can have different values or no value at
11 all?

12 Okay. I'll wind up and -- where everyone else
13 did, where every other lawyer did, and that is, if you're
14 sitting there thinking that there's some reason that you
15 would not make a good juror for this case -- in other
16 words, you lean towards one side or the other for whatever
17 reason, would you just raise your hand and let me know now?

18 Yes, ma'am, Ms. Booth?

19 VENIRE MEMBER: I just don't have any concern
20 about any type of game -- I just don't have any concern
21 about any type of gaming.

22 MR. DACUS: Understood. So, Ms. Booth, let me ask
23 you a question about that. If you learn during the course
24 of this that Supercell puts out games that are what I'll
25 call family friendly or appropriate for all ages of people,

1 would you be able to sit in --

2 VENIRE MEMBER: No.

3 MR. DACUS: I'm sorry?

4 VENIRE MEMBER: No, sir.

5 MR. DACUS: Okay. Ms. Booth, I appreciate you
6 being candid with me.

7 Anybody else have anything that they think they
8 would need to share that would impact whether or not you
9 could be a fair juror in this case?

10 Ms. Haugh, I think we've heard from you. Do you
11 have -- is there something additional? Okay.

12 All right. With that, I will sit down, Your
13 Honor, and I appreciate the time and thank you very much.

14 THE COURT: All right. Ladies and gentlemen, I
15 need to ask a question I asked of the earlier panel and I
16 haven't asked it of this panel yet.

17 As I think I made clear earlier, the jury selected
18 at this time is going to start right into the GREE case.
19 We're going to do a little bit this afternoon, and then we
20 will pick back up Monday morning, May the 3rd. And I
21 expect the rest of the trial to be complete by the end of
22 next week.

23 If you're selected for this jury, you will need to
24 be available all of next week. And so if there are any of
25 you that have a surgical procedure scheduled next week for

1 you or a family member or something very serious -- not
2 just inconvenient, because jury service, by its nature, is
3 always inconvenient, and every one of you is making a
4 sacrifice to be here. That's a given.

5 But if there's something really serious above and
6 beyond mere inconvenience that would prohibit you from
7 being here all of next week, if you were selected, then I
8 need to know about that. If there's anybody that has that
9 kind of a situation, would you raise your hand and let me
10 make a note of it?

11 All right. No. 4, Ms. Jones.

12 Anybody else?

13 All I see is Ms. Jones.

14 Okay. Thank you all very much.

15 Now, as we did before, ladies and gentlemen, I'm
16 going to need to meet with the lawyers outside of your
17 presence. It's possible that some of you may be brought in
18 to talk with me while I'm in the jury room. If that's the
19 case, then one of the Court Security Officers will escort
20 you in, and then when I'm through, back to your seats.

21 While I'm off the bench, feel free to have a
22 conversation with your neighbor if you want to. Keep it
23 quiet to the extent that you can. The main thing is don't
24 talk about anything that's happened while you've been in
25 the courtroom today, either during the earlier jury

1 selection or this jury selection.

2 Again, let me just make it crystal clear, nobody
3 has heard any evidence in this case whatsoever. Talk about
4 anything you'd like, but don't talk about anything that's
5 happened in the courtroom today.

6 With that, I'll see Mr. Gillam and Mr. Dacus,
7 along with the court reporter, in chambers -- I mean, in
8 the court -- in the jury room.

9 COURT SECURITY OFFICER: All rise.

10 (Conference held outside the presence of the
11 venire panel.)

12 THE COURT: Mr. Gillam, does the Plaintiff have
13 any challenges for cause?

14 MR. GILLAM: Yes, Your Honor, we do.

15 Challenge -- challenge Juror No. 10 for cause
16 based upon his questionnaire, which we had mentioned to the
17 Court earlier, and I will specifically point out.

18 THE COURT: I don't -- I'll come back and hear
19 your reasons. I just want to identify who the recipient
20 is.

21 MR. GILLAM: Sure. No. 10, No. 23 --

22 THE COURT: Ms. Booth?

23 MR. GILLAM: Ms. Booth.

24 THE COURT: Okay. Anybody else?

25 MR. GILLAM: No. 11.

1 THE COURT: Mr. Holbrook?

2 MR. GILLAM: And -- well, I think we agreed on No.
3 17. But -- oh, and then No. 24.

4 THE COURT: Mr. Reynolds?

5 MR. GILLAM: Yes, sir.

6 THE COURT: Anything else?

7 MR. GILLAM: No, sir.

8 THE COURT: Mr. Dacus, does the Defendant have
9 challenges for cause?

10 MR. DACUS: Yes, Your Honor. No. 6.

11 THE COURT: Ms. Pendley?

12 MR. DACUS: Yes. And as Mr. Gillam said, we've
13 agreed on No. 17.

14 THE COURT: Do both sides agree that Ms. Haugh,
15 No. 17, should be excused?

16 MR. DACUS: Yes.

17 MR. GILLAM: Plaintiff agrees.

18 THE COURT: All right. Then No. 16 -- excuse me,
19 17, Ms. Glenda Adams Haugh, H-a-u-g-h, is excused.

20 Other than No. 6, Ms. Pendley, does Defendant have
21 additional challenges for cause?

22 MR. DACUS: We would agree, Your Honor, to the
23 challenge with respect to No. 11.

24 THE COURT: Mr. Holbrook?

25 MR. DACUS: Yes, sir.

1 THE COURT: Both parties agree No. 11,
2 Mr. Holbrook, should be excused from the jury; is that
3 right, Mr. Gillam?

4 MR. GILLAM: Yes, Your Honor.

5 THE COURT: Okay. Then he's excused.

6 MR. DACUS: And we would also agree to No. 23.

7 THE COURT: Ms. Cassandra Booth. Does Plaintiff
8 agree?

9 MR. GILLAM: Yes. Yes, Your Honor.

10 THE COURT: Then based on the agreement of both
11 parties, No. 23, Ms. Booth, is excused.

12 MR. DACUS: That's all I have, Your Honor.

13 THE COURT: So the only freestanding challenge for
14 cause you have is No. 6?

15 MR. DACUS: Correct.

16 THE COURT: And the only one that I see who's got
17 a potential scheduling problem is Ms. Jones, No. 4. So
18 we'll need to see Ms. Jones, No. 4; Ms. Pendley;
19 Mr. Thomason -- that's three.

20 MR. GILLAM: If you're asking for other ones we'd
21 like to talk to, I have a couple others.

22 THE COURT: I'm trying to figure out, based on
23 what you've told me, if Ms. Jones has a legitimate
24 scheduling problem, and I have to excuse her and if I
25 should grant the separate challenges for cause, which I

1 don't know that I will, what's the furthest into the
2 panel we'd have to go to strike through? I'm trying to see
3 if we get to 24 or not.

4 I don't think we get to 24. Do you all?

5 MR. DACUS: I do not.

6 THE COURT: Okay. Now, Mr. Gillam, is there
7 somebody that you don't want to challenge for cause that
8 you want the Court to talk to?

9 MR. GILLAM: Well, I was going to say 27, but if
10 we don't get that far, we won't get to 27.

11 THE COURT: I don't see any way we get to 27.

12 MR. GILLAM: Make sure I've got my notes right
13 here. We have talked to 6. I did want to visit with
14 No. -- No. 7. No. 7 is the one that he said video games
15 are bad for the young mind. So I want to make sure -- I'm
16 not sure which way that cuts.

17 THE COURT: Are you challenging for cause? I
18 mean, I'm not going to bring him back here just to have
19 further voir dire. If you want to lodge a challenge, go
20 ahead. If you -- if you're not concerned enough to
21 challenge him, then I'm not going to bring him back here.

22 MR. GILLAM: Well, then I'll challenge him.

23 THE COURT: Okay.

24 MR. GILLAM: Yes, sir.

25 So then I have -- we've agreed on -- we had --

1 well, No. 10 -- No. 10. I mentioned No. 10, obviously.

2 THE COURT: Yes.

3 MR. GILLAM: We've agreed on 11.

4 THE COURT: And 17.

5 MR. GILLAM: No. 17. And then No. 23 is out. And
6 then if we get to 24, I would challenge No. 24. It's
7 already done, so...

8 THE COURT: I have that.

9 MR. GILLAM: Okay. That's it.

10 THE COURT: All right. Ms. Brunson, let's ask the
11 Court Security Officers to bring Ms. Shelley Jones, No. 4,
12 back, please.

13 (Venire member brought into jury room.)

14 VENIRE MEMBER: Sorry, the one time I get up.

15 THE COURT: That's all right. Have a seat right
16 there, Ms. Jones. Thank you for joining us back here.

17 Earlier, I asked if anybody who was on the panel
18 would have a serious problem that might interfere with
19 their ability to be here all of next week if they were
20 selected, and you raised your hand. Tell me what you had
21 on your mind.

22 VENIRE MEMBER: Like the email that I sent the
23 Court Clerk, I'm the sole driver for my mother, and she has
24 doctor appoints on -- I want to say it's the 3rd. She's
25 got follow-ups for her cataract surgery.

1 THE COURT: Is it only the 3rd that you're
2 concerned about her having transportation?

3 VENIRE MEMBER: Yes, but I have a doctor
4 appointment I've waited two months for, but it's not until
5 the 13th. That's why I had a problem with the second one.

6 THE COURT: Okay. Is there anybody that could
7 cover your mother for Monday, the 3rd, so that you could be
8 here?

9 VENIRE MEMBER: I'm afraid not. My sister doesn't
10 live in town. She lives all the way in Arlington.

11 THE COURT: And your mother lives where and her
12 doctor's appointment is where?

13 VENIRE MEMBER: Doctor appointment is in Diana and
14 we're roommates. We live together.

15 THE COURT: You and your mother live together or
16 you and your mother's doctor live together? I'm confused.

17 VENIRE MEMBER: Me and my mother live together.

18 THE COURT: Okay.

19 VENIRE MEMBER: We moved in to take care of each
20 other, so...

21 THE COURT: Okay. And the doctor is in Diana --

22 VENIRE MEMBER: Longview.

23 THE COURT: Longview. So --

24 VENIRE MEMBER: We live in Diana.

25 THE COURT: Okay.

1 VENIRE MEMBER: The doctor is in Longview.

2 THE COURT: But there's not a neighbor or a church
3 friend or anybody that could fill in for you on just that
4 one day?

5 VENIRE MEMBER: No, sir --

6 THE COURT: I'm just asking --

7 Venire member: Even though my neighbor is here, I
8 don't know them. I've lived there for six or seven years,
9 I just don't socialize.

10 THE COURT: Okay. All right, Ms. Jones.

11 Mr. Gillam, do you have any questions of
12 Ms. Jones?

13 MR. GILLAM: I do not, Your Honor.

14 THE COURT: Mr. Dacus?

15 MR. DACUS: No, Your Honor. Thank you.

16 THE COURT: Ms. Jones, I'm going to let you take
17 your seat back in the courtroom. Just don't discuss what
18 we talked about in here.

19 VENIRE MEMBER: Yes, sir.

20 THE COURT: Thank you, ma'am.

21 (Venire member excused to return to courtroom.)

22 THE COURT: I'm going to excuse Ms. Jones.

23 Let's bring in No. 6, Ms. Pendley, please.

24 (Venire member brought into jury room.)

25 THE COURT: Have a seat right there, Ms. Pendley.

1 During the questioning earlier today, I think you
2 said that you tend to favor the one that had the patents
3 first. You also said pay-to-win sounds really bad. And
4 the other comment I have is, I believe, Mr. Dacus asked if
5 the Defendant proved infringement, does anybody believe the
6 Plaintiff should get whatever amount of money they asked
7 for? And I had you down as a yes on that. But I want to
8 go over those things with you and make sure I've got it
9 clear.

10 VENIRE MEMBER: Sure.

11 THE COURT: Tell me how you feel about those
12 things.

13 VENIRE MEMBER: Well, the first one -- I'm sorry,
14 can you tell me the first one again, because I want to make
15 sure that I'm --

16 THE COURT: Sure. Do you have -- do you have a
17 concern that you would favor --

18 VENIRE MEMBER: Okay. Yes.

19 THE COURT: -- the patentholder because they were
20 the first one to get the patents?

21 VENIRE MEMBER: I would, just because if they're
22 the ones that came up with the technology first, even if
23 that was the jumping-off point, I understand that the
24 technology changes and that there's going to be new and
25 different ideas, but there's a jumping-off point. So that

1 should be credited somehow.

2 THE COURT: Okay.

3 VENIRE MEMBER: I've been involved with developing
4 new products and creating new products, even though I
5 don't -- we don't have any patents with my business.

6 Can I pull this down? Is that okay?

7 THE COURT: Sure.

8 VENIRE MEMBER: So I guess that's maybe a sore
9 spot for me because in our business, that intellectual
10 property has been called upon, and I have -- my dad has
11 been sued based on -- for his intellectual property.
12 Fortunately, he won that case because the people didn't
13 have any grounds.

14 THE COURT: All right. Let me ask this. If
15 you're on this jury, the Plaintiff's going to put on their
16 case and present evidence that the Defendant has infringed
17 their patents. And you're going to see very specific
18 claims in those patents, and each of those claims is going
19 to have a certain number of elements.

20 VENIRE MEMBER: Uh-huh.

21 THE COURT: They're called limitations in there.

22 VENIRE MEMBER: Uh-huh.

23 THE COURT: And I'm going to tell the jury that if
24 even one of those limitations or elements is missing from
25 the Plaintiff's proof, then the Defendant doesn't infringe.

1 Every one of them has got to be proven.

2 VENIRE MEMBER: Okay.

3 THE COURT: So you're not going to get a question
4 about --

5 VENIRE MEMBER: So there can't be partial --

6 THE COURT: You're going to get questions about,
7 are all the elements proven? And then you're going to get
8 questions about, are the Plaintiff's patents invalid? And
9 the way the Defendant is going to try to show that is by
10 showing that there was what we call prior art out there --

11 VENIRE MEMBER: Okay.

12 THE COURT: -- in advance of the time the patents
13 were approved that basically showed the same invention that
14 the patents are covering.

15 And I hear your concern, and I appreciate your
16 candor about --

17 VENIRE MEMBER: Isn't that the due diligence of
18 the Patent Office, though, if -- I mean, if they did their
19 homework on it and researched and gave them that patent,
20 then --

21 THE COURT: Then there's a presumption of
22 validity.

23 VENIRE MEMBER: Yeah, yeah.

24 THE COURT: But a Defendant can still prove a
25 patent is invalid, and that's why there's that higher

1 burden of clear and convincing evidence. They have to do
2 more. But if they prove that -- of course, the Patent
3 Office is not perfect. They're made up of human beings,
4 and anybody can make a mistake.

5 So if the Defendant can come forward with
6 something that shows you that even though the Patent Office
7 issued the patent, that the ideas and the inventions in the
8 patents were actually obvious or known and shown by this
9 prior art, then the jury can invalidate those patents.

10 But nowhere along the way does it seem to me that
11 your concern about somebody getting credit for being the
12 first one to come up with an idea, even if it's
13 subsequently developed further, that's not a question
14 you're going to have to answer.

15 VENIRE MEMBER: Okay.

16 THE COURT: Now, what I really need to ask you is:
17 Can you begin this trial with both sides in the same equal
18 position, and can you listen to the evidence and follow my
19 instructions and let the evidence, as applied to and guided
20 by my instructions, be the sole reason you reach whatever
21 results you reach? If you can't do that, tell me.

22 VENIRE MEMBER: I was going to say, the really
23 good part of me wants to really say yes, but the honest
24 part of me -- I really already feel skewed, like...

25 THE COURT: Okay. You feel skewed toward the

1 Plaintiff?

2 VENIRE MEMBER: Yes.

3 THE COURT: And against the Defendant?

4 VENIRE MEMBER: Yes.

5 THE COURT: Do you think -- you don't think you
6 can get back to zero is what you're telling me? And I just
7 want an honest answer.

8 VENIRE MEMBER: Well, and -- yeah.

9 THE COURT: Yes, you don't --

10 VENIRE MEMBER: I don't think that I can.

11 THE COURT: Okay.

12 VENIRE MEMBER: I --

13 THE COURT: That's why we're back here talking.

14 VENIRE MEMBER: I want to be -- like I -- yeah,
15 that's not the right answer, I know that. But --

16 THE COURT: Well, the truthful answer is the right
17 answer.

18 VENIRE MEMBER: Yeah.

19 THE COURT: Mr. Gillam, do you have any questions
20 of Ms. Pendley?

21 MR. GILLAM: If -- you understand that both sides
22 get -- under the law, both sides get to start out equally?

23 VENIRE MEMBER: I understand that, and I wish
24 that -- I wish I was there.

25 MR. GILLAM: I understand. I understand.

1 Anything about the -- the only question I had was not
2 directly toward that, but I think that -- well, I tell you
3 what, no, I don't have any other questions for you. I
4 just -- I appreciate you being honest with us. This helps
5 us.

6 VENIRE MEMBER: I'm sorry.

7 MR. GILLAM: No, no, it helps us.

8 THE COURT: Mr. Dacus, do you have any questions?

9 MR. DACUS: I do not, Your Honor, other than to
10 express what I did to Ms. Pendley out there, we appreciate
11 her candor.

12 THE COURT: And I'll echo that, Ms. Pendley.
13 Thank you for being honest with us. I'm going to let you
14 take your place back in the courtroom.

15 VENIRE MEMBER: Can I sneak into that bathroom and
16 get a tissue first?

17 THE COURT: Sure. When you go back into the
18 courtroom, just don't talk about what we did in here.

19 VENIRE MEMBER: I won't. That's why I want to not
20 be like this before I go back out there.

21 THE COURT: That's fine.

22 (Venire member excused to return to courtroom.)

23 THE COURT: I'm going to excuse Ms. Pendley for
24 cause.

25 Once she comes out, Ms. Brunson, we need to get

1 No. 7, Mr. Cook.

2 MR. GILLAM: Did I -- before that next one comes
3 in, did I mentioned No. 8?

4 THE COURT: No.

5 MR. GILLAM: Well, No. 8, I could never get a
6 straight answer about being behind on a question about -- I
7 was questioning her. But she's the one that saw Dacus
8 before -- Mr. Dacus before. And I am concerned about that.
9 I never was -- we went round and round and round about it,
10 all I got -- all I ever got was: I'll try.

11 THE COURT: Well, I've let you go back to the well
12 twice on challenges for cause. Are you asking to go back a
13 third time?

14 MR. GILLAM: Yes, sir.

15 THE COURT: Any objection, Mr. Dacus?

16 MR. DACUS: Of course. No, Your Honor.

17 THE COURT: All right. We'll bring Ms. Rich back.

18 (Venire member brought into jury room.)

19 THE COURT: Have a seat, sir.

20 Mr. Cook, we're just wanting to make completely
21 sure that if you're selected to serve on this jury, you can
22 treat both of these parties equally and listen to the
23 evidence and let the evidence and only the evidence guide
24 you on what you end up doing. Do you feel like you can?

25 VENIRE MEMBER: Yes, sir.

1 THE COURT: Okay. Mr. Gillam, do you have
2 questions for Mr. Cook?

3 MR. GILLAM: Yes, sir, I do. And thank you for
4 coming back, sir.

5 The question that I had was kind of toward the
6 end, and we were asking about anything that I need to be
7 concerned about, anything I left out, essentially. And you
8 raised an issue, something about games being bad for the
9 young mind. Do you recall that, sir?

10 VENIRE MEMBER: Uh-huh.

11 MR. GILLAM: So the question I have is, obviously,
12 you know, my company is involved in the games industry,
13 it's what they are.

14 VENIRE MEMBER: Right.

15 MR. GILLAM: And so what I need to know is -- and
16 Mr. Dacus is, too, I mean, to be fair. So what I need to
17 know, though, is that because we are, because you have some
18 concerns about games and then what impact they may have on
19 young people, is that going to impact the way you look at
20 our folks -- my folks, particularly, starting off with?
21 Are we going to start off somehow behind their side as we
22 begin to -- as we begin this proceeding?

23 VENIRE MEMBER: I'm looking at it as a business,
24 not games.

25 MR. GILLAM: Okay.

1 THE COURT: Does that mean you can treat them both
2 the same?

3 VENIRE MEMBER: Yeah, I'm looking at them as
4 companies.

5 THE COURT: And that's what they are.

6 VENIRE MEMBER: Right.

7 MR. GILLAM: Okay. That's what I needed to know.

8 VENIRE MEMBER: Yeah.

9 THE COURT: Other questions?

10 MR. DACUS: No, Your Honor. None from me. Thank
11 you.

12 THE COURT: All right. Mr. Cook, thanks for
13 coming back. Don't discuss anything that we've talked
14 about in here. You can take your seat back in the
15 courtroom.

16 VENIRE MEMBER: All right. Thanks.

17 (Venire member excused to return to courtroom.)

18 THE COURT: All right. I'm going to deny the
19 challenge for cause on Mr. Cook.

20 Let's get No. 8, Ms. Rich. We'll get her back
21 here before Mr. Gillam comes up with any more additional
22 challenges.

23 (Venire member brought into jury room.)

24 THE COURT: Hi, Ms. Rich. Have a seat right there
25 please.

1 VENIRE MEMBER: Yes, sir.

2 THE COURT: What I want to clarify real quickly
3 was, I know you told us that you had been involved in a
4 patent trial before.

5 VENIRE MEMBER: Yes, sir.

6 THE COURT: And I think the way you said it was
7 you found the Defendant not guilty, but I took that to mean
8 you ruled for the Defendant and not the Plaintiff, and I
9 know you had a little bit of trouble remembering.

10 VENIRE MEMBER: Yes. We can -- I think it was
11 non-guilt -- see, I can't remember. I just remember it
12 being non-guilty, the verdict.

13 THE COURT: Maybe non-infringement?

14 VENIRE MEMBER: Prob -- I'm trying to think. Let
15 me think.

16 THE COURT: Well, the other point was Mr. Dacus
17 took part in that trial, and I just need know that you're
18 going to treat all these lawyers the same --

19 VENIRE MEMBER: Sure.

20 THE COURT: -- and you're not going to lean toward
21 Mr. Dacus because you had seen him before and --

22 VENIRE MEMBER: No, sir.

23 THE COURT: -- he was probably impressive and did
24 a good job.

25 VENIRE MEMBER: He did do a good job. But, no,

1 I'm fine. I'll be fine.

2 THE COURT: And you'll treat them both fairly?

3 VENIRE MEMBER: Well, I think -- I mean, I'm sure
4 I will. I'm a fair person.

5 THE COURT: Okay. And you'll let the evidence
6 determine which way you end up in this case?

7 VENIRE MEMBER: Yes, sir.

8 THE COURT: Not anything else?

9 VENIRE MEMBER: Not anything else.

10 THE COURT: Mr. Gillam, do you have questions for
11 Ms. Rich?

12 MR. GILLAM: Yes, ma'am. Thank you. Thank you
13 for coming back.

14 The only question I had was I thought we went
15 round and round in there, and I got a lot of: Well, I'll
16 try. And that's all I'm concerned about is to make sure
17 that I start off on the same foot that he does.

18 VENIRE MEMBER: Right.

19 MR. GILLAM: And that we're -- my client, not me,
20 but my client does. Because of some experience you had in
21 the past, either with Mr. Dacus or because you sat on
22 another patent jury --

23 VENIRE MEMBER: Right.

24 MR. GILLAM: -- that my client who actually
25 brought this lawsuit doesn't start off a little bit behind

1 because of your feelings.

2 VENIRE MEMBER: Let's just -- I wouldn't -- like I
3 said, I wouldn't think I would. I'm just saying, I don't
4 think I would. I mean, I'd do the best I can by listening
5 to both sides. Does that make sense?

6 THE COURT: So to the best of your knowledge.

7 VENIRE MEMBER: Yes, sir. I'm going to try to be
8 as fair as I can. But, I mean, like I said -- I mean, I
9 haven't heard either side, so -- I mean, how can I find
10 you --

11 MR. GILLAM: I completely understand that. And
12 that's -- I will -- I completely believe you on that. The
13 only question I had was only because you had heard him do a
14 presentation before --

15 VENIRE MEMBER: Yes.

16 MR. GILLAM: -- and because you had apparently
17 given a defense verdict before, voted for his side, which
18 is the defense side in this case, if it's because of that
19 somehow that you're leaning a little bit more toward that
20 side as we get started here versus my side.

21 VENIRE MEMBER: I wouldn't -- like I said, I'm
22 going to do the best I can. I mean, I'm not saying I would
23 go either way not because I've heard him before or, you
24 know -- I just want to go -- I mean, I would like to hear
25 both sides. If you choose me, I will listen to both sides

1 and do the best I can.

2 THE COURT: Let me ask a question, Ms. Rich. Can
3 you tell me that whatever happened in that prior trial and
4 whatever presentation you heard from the lawyers in that
5 trial, even if one or more of them are in this trial, is
6 not going to impact what you decide in this case? You're
7 going to hear both sides of this case --

8 VENIRE MEMBER: Yes, sir.

9 THE COURT: -- and you're going to let the
10 evidence in this case --

11 VENIRE MEMBER: Yes, sir.

12 THE COURT: -- control what you end up doing?

13 VENIRE MEMBER: Yes, sir.

14 THE COURT: You can tell me that without any
15 question?

16 VENIRE MEMBER: Yes, sir.

17 THE COURT: Okay. Any other questions for
18 Ms. Rich?

19 MR. GILLAM: Not from me, anything. Thank you.

20 THE COURT: Mr. Dacus?

21 MR. DACUS: No, Your Honor. Thank you.

22 THE COURT: Ms. Rich, just don't talk about
23 anything we did in here.

24 VENIRE MEMBER: Yes, sir.

25 THE COURT: I'll let you go back and take your

1 seat in the court room. Thank you.

2 (Venire member excused to return to courtroom.)

3 THE COURT: All right. I'll deny the challenge
4 for cause as to Ms. Rich.

5 Next is No. 10, Mr. Thomason.

6 MR. GILLAM: Right.

7 (Venire member brought into jury room.)

8 THE COURT: Hello, Mr. Thomason. Would you have a
9 seat right there, please, sir?

10 THE WITNESS: Can I take this off?

11 THE COURT: Yes, sir, you can. We wanted to
12 clarify a couple things that were discussed out in the
13 courtroom.

14 Mr. Gillam, do you have some questions for
15 Mr. Thomason?

16 MR. GILLAM: Yes, sir, I do.

17 And, Mr. Thomason, my stuff really relates more --
18 well, we'll start off with what happened out there. You
19 said at one point in time, you were leaning toward the
20 group that would lean toward -- I would start off behind as
21 the Plaintiff in the case as we started off.

22 I asked the questions about there was a fellow
23 that raised his hand and talked about the fact of the
24 parties started equally or things of that nature. And you
25 were one of the ones that said: Well, I'll go with that

1 side rather than go with the other lady that said --

2 VENIRE MEMBER: That could have been my arm. I
3 started getting tired.

4 MR. GILLAM: It could be. It could be. But I
5 need to know what your feelings are about that.

6 VENIRE MEMBER: Well, I'm fine. I mean, first of
7 all, I don't like games. So, I mean, I'm zero interested
8 in any of this. You're suing them --

9 MR. GILLAM: Yes, sir.

10 VENIRE MEMBER: -- for monetary value, right?

11 MR. GILLAM: Yes, sir.

12 VENIRE MEMBER: So -- and you're saying it's
13 patent -- their saying -- you're saying it's patent
14 infringement on what they're doing. So, I mean, I could
15 hear both sides. I could see both sides. I just -- I
16 really don't know how to give you the answer you're looking
17 because I'll say something and you'll twist it and ask me
18 another question and try to get me slip up and say
19 something different.

20 THE COURT: Nobody is trying to trick anybody back
21 here, Mr. --

22 VENIRE MEMBER: Some of those questions I heard
23 out there, may -- it was confusing to a lot of people on
24 what they were -- on what y'all were asking.

25 THE COURT: That's part of why we're back here, to

1 resolve any confusion. Nobody is trying to trick you
2 though.

3 VENIRE MEMBER: I'm not saying you're behind the 8
4 Ball starting out the gate. I mean, clearly you got a
5 case. I mean, I don't know if you all tried this case
6 before, and this is another round of it. I don't know none
7 of that. But, no, I mean, I'm not saying either one of
8 y'all are behind the 8 Ball coming out. I mean, you both
9 got to present your cases. I mean, apparently you got
10 validity to make it this far for a lawsuit, and you're
11 asking for \$90 million. That's no chump change.

12 MR. GILLAM: Right. Right.

13 One of the questions that was asked to you on your
14 questionnaire, you said you have strong opinions about
15 lawsuits and people that bring them. It's Question No. 9,
16 it said: The problem with this country is there are too
17 many lawyers wanting to sue for patent infringement.

18 Well, obviously, in this particular case, I'm one
19 of those folks.

20 VENIRE MEMBER: Yeah.

21 MR. GILLAM: And so I need to know what you're --
22 you know, what your feelings are about that, and then go
23 ahead and --

24 VENIRE MEMBER: I guess I'm referring to just
25 ambulance chasing lawyers, trial lawyers, patent --

1 everything. In my line of work, we own a lot of real
2 estate.

3 MR. GILLAM: Right.

4 VENIRE MEMBER: We've been sued countless times,
5 people falling, people tripping. But the lawyers get
6 together, the insurance companies, well, that's \$10,000.
7 Just to settle it out of court, we'll go on about the
8 business. We'll just pass it on to the consumer.

9 MR. GILLAM: Right.

10 VENIRE MEMBER: So if you win the 90 million, his
11 company, they just going to raise the rate to offset the --
12 the loss.

13 MR. GILLAM: Uh-huh.

14 VENIRE MEMBER: And just like the reason the
15 insurance rates are so high. I feel for the people in
16 Louisiana. Everywhere you go, there's an ambulance chasing
17 lawyer on a billboard. You know, I'm in the timber
18 business, you know, log trucks. You can't even afford
19 insurance for log trucks because it's so outlandish. You
20 know, just every time you pick up the paper, it's a
21 lawsuit, back and forth, back and forth.

22 MR. GILLAM: Right. Well, I guess the question
23 I've got then is because of your feelings that you have
24 about lawsuits, and, obviously, I'm on the side of the one
25 in this case bringing the lawsuit, does that put me behind

1 just because of the feelings you have -- and it's fine with
2 me. I mean, whether it puts me behind --

3 VENIRE MEMBER: You're not starting strong. I
4 don't -- I'm just not -- I've always been a fan -- I've not
5 been a fan of five things: Attorneys, actuaries,
6 accountants, something, something, and something else. I'm
7 not going to say back here.

8 MR. GILLAM: Well, I'm -- I'm one of the -- I'm in
9 one of the five.

10 VENIRE MEMBER: You're in the top three, yeah.

11 MR. GILLAM: I'm in the top three. So that --
12 does that -- that puts me off starting a little bit behind
13 here in this case.

14 VENIRE MEMBER: Both of y'all really.

15 MR. GILLAM: Well, fine.

16 VENIRE MEMBER: Nothing against a fellow Aggie
17 there. I mean, I'm just not --

18 THE COURT: Would that fellow Aggie issue be a
19 problem for you?

20 VENIRE MEMBER: Could be.

21 THE COURT: I mean, I know y'all are pretty tight
22 coming out of A&M.

23 VENIRE MEMBER: A&M, yeah.

24 THE COURT: I'm serious. It's a serious question.

25 VENIRE MEMBER: It's almost as much as the Mason,

1 you know. It's pretty thick.

2 MR. GILLAM: There's another question you had on
3 here. It's No. 45. I don't like the idea of using my time
4 for some patent infringement case. This will cost my
5 family. And that also gives me some concern about --
6 because this is going to be five days' worth of -- worth
7 of --

8 VENIRE MEMBER: I went out there to check my phone
9 awhile ago. All right. I work for my family in the family
10 business. We own 250 rentals, probably 30 commercial
11 buildings, 16,000 acres of timberland. I got three logging
12 operations going right now. I had five missed calls on air
13 conditioners not working, plumbing problems, so, yeah, you
14 know, I can't answer my phone and say, hey, I'm busy. So I
15 got to go out there when he let me -- just to let everybody
16 know, I'll get back with you as soon as I can.

17 MR. GILLAM: Yes.

18 VENIRE MEMBER: So, yes, it is. If I'm not
19 working, I'm not making money.

20 MR. GILLAM: Right.

21 VENIRE MEMBER: I don't know if you got kids. I
22 got three at the house.

23 MR. GILLAM: Right.

24 VENIRE MEMBER: One is fixing to go to college.
25 One's going to the fourth grade. I mean, it's --

1 MR. GILLAM: Right.

2 VENIRE MEMBER: -- it's a lot for me not to be
3 home working and tending to my business, I mean --

4 MR. GILLAM: Sure, sure.

5 VENIRE MEMBER: I've got a lot going. And, plus,
6 my cousin and my uncle that help us that's in the business
7 with me, his daughter's husband just died yesterday in the
8 emergency room -- he's an ER doctor that just died
9 yesterday. So now we're dealing with that.

10 MR. GILLAM: Right.

11 VENIRE MEMBER: So, yeah, I'm not really excited
12 to be down here.

13 MR. GILLAM: Well, I understand. I think that --
14 I'm getting the drift. I understand.

15 You know, and from my standpoint the question is,
16 is obviously do I start off a little bit behind sort of
17 because of the feelings you have? And if I do, that's
18 great. I understand it, and we can go on about our way.

19 VENIRE MEMBER: I said, you're not starting
20 strong, you know.

21 MR. GILLAM: All right.

22 THE COURT: Any questions, Mr. Dacus?

23 MR. DACUS: I do not, Your Honor. Thank you.

24 THE COURT: Mr. Thomason, I'm going to let you
25 take your place back in the courtroom. Don't discuss

1 anything we talked about in here.

2 VENIRE MEMBER: Yes, sir.

3 (Venire member excused to return to courtroom.)

4 THE COURT: I'm going to sustain the challenge for
5 cause as to Mr. Thomason.

6 Okay. Let's do a recap. No. 4 has been excused,
7 No. 6 has been excused, No. 10, No. 11, and No. 17. That's
8 five. Five and 16 is 21. We agree we should strike
9 through -- or you all should strike through Venire Member
10 No. 21.

11 MR. DACUS: Yes, sir. Yes, Your Honor.

12 MR. GILLAM: So we do not -- yes, sir, so we do
13 not get to 23.

14 THE COURT: I don't see any need to bring anybody
15 else --

16 MR. GILLAM: We don't get to 22 either. We
17 just --

18 THE COURT: You don't get past 21.

19 MR. GILLAM: I am the one burning a strike on 22,
20 that's right. Good point.

21 THE COURT: All right. I'll give you 15 minutes
22 to strike your list. We'll go out in the courtroom, I'll
23 tell the panel what's going on, and then as soon as you get
24 your list struck, give them to Ms. Brunson, and we'll
25 identify our new jury.

1 MR. GILLAM: Where are we with this system here,
2 people, jurors running around and stuff? Where are we
3 congregating to do our list striking?

4 You got the downstairs room. You want the
5 upstairs room? What do you want?

6 MR. DACUS: It doesn't matter. Whatever.

7 THE COURT: One group can use this jury room. I
8 think the conference room around the corner is open, as
9 well.

10 MR. DACUS: We'll go to the conference room.

11 MR. GILLAM: Okay. I'll have them come in here.

12 THE COURT: We're off the record.

13 (Off-the-record discussion.)

14 (Conference outside the presence of the venire
15 members concluded.)

16 (Open court.)

17 (Venire panel in.)

18 COURT SECURITY OFFICER: All rise.

19 THE COURT: Ladies and gentlemen, as you remember
20 from the first jury we picked, we're at that point where
21 counsel for the parties need an opportunity to exercise
22 their peremptory challenges, and that will take about 15
23 minutes.

24 Shortly after that, I'll be back on the bench,
25 we'll announce the jury in the GREE versus Supercell case,

1 and the members of the jury will come into the box and be
2 sworn.

3 While I'm out of the courtroom, continue to follow
4 all the same instructions I gave you. Don't discuss
5 anything about what's happened in the courtroom today. If
6 you need a restroom break or water or something, contact or
7 raise your hand and the Court Security Officers and the
8 clerk's office will work with you.

9 I'll be back at soon as possible, and we'll
10 identify and call out the names of our eight jurors in this
11 case.

12 The Court stands in recess.

13 COURT SECURITY OFFICER: All rise.

14 (Recess.)

15 (Venire panel in.)

16 COURT SECURITY OFFICER: All rise.

17 THE COURT: Be seated, please.

18 All right. Ladies and gentlemen, if you will
19 listen carefully when your name is called by our courtroom
20 deputy and then come forward to the jury box, we're going
21 to position this jury just like we did the first one. The
22 first four jurors will be on the front row, and I'll ask
23 whoever is called as Juror No. 1 to go to the last seat on
24 the front row of the jury box, stand in front of that seat.

25 The second juror will go to the third seat from

1 the end with a vacant seat between them, stand in front of
2 that seat. And the other two jurors, 3 and 4, will be in
3 the same position on the front row.

4 And then Jurors 5, 6, 7, and 8 will be positioned
5 the same way on the second row. We want a vacant seat
6 between every member of the jury, the first four on the
7 front row, the second four on the second row. And if
8 you'll all remain standing until everybody is in the box.

9 All right. Ms. Brunson, will you call the name --
10 the names of our eight jurors, please.

11 COURTROOM DEPUTY: Patti Reed; Robert Cook; Robin
12 Crossland; Melissa Hammett; Marvin Cook, II; Thomas Hunt;
13 Johnny Livingston; Sarah Fry.

14 THE COURT: All right. Ladies and gentlemen, I'll
15 ask Ms. Brunson to administer the oath to you as jurors at
16 this time.

17 (Jurors sworn.)

18 THE COURT: Please have a seat.

19 I'm about to excuse the remainder of the panel
20 that was not selected on either of our two juries today.
21 As I do that, ladies and gentlemen, I want to express the
22 Court's sincere thanks for your presence today. Even
23 though you were not selected on either of these two juries,
24 you all appeared as summonsed, you put yourselves forward
25 to serve as jurors, had you been selected, you participated

1 in the process as the Court asked, and every one of you had
2 other places to be and things to do this day that is
3 important in your own respective lives, and the Court
4 appreciates the sacrifice that you've made.

5 Part of being a good citizen is being willing to
6 sacrifice for the benefit of our country, and you've done
7 that today, even though you weren't selected to serve. So
8 please leave here knowing that you have the sincere thanks
9 and appreciation of the Court, the Court staff. The
10 parties and the lawyers in these two cases also join me in
11 thanking you for your public service by being available
12 today, even though you weren't selected.

13 As you leave the courtroom through the double
14 doors in the back, if you will see the clerk's office on
15 the way out, they're going to want to recover your numbers
16 that you have and those very expensive little badges you're
17 wearing. They'll also be available to you to answer any
18 questions.

19 If you need documentation for an employer as to
20 where you've been today, they'll work with you on that. In
21 short, if you have any questions, please refer them to
22 Ms. Clendening in the clerk's office, and they'll be happy
23 to help you.

24 With that, those not selected to serve on the jury
25 are excused at this time.

1 COURT SECURITY OFFICER: All rise.

2 (Venire panel out.)

3 THE COURT: Be seated, please.

4 Ladies and gentlemen, we're going to take a brief
5 recess in a minute. There is a late lunch waiting for you
6 in the jury room. But before we do that, I need to cover a
7 couple important instructions with you.

8 You heard these instructions for the earlier jury
9 today, so I'm not going to go into as much detail as I did
10 with them.

11 I do think -- and I would ask each of you to, over
12 this lunch break, please make sure Ms. Clendening has a
13 working cell phone number for all of you. It's possible
14 that over the course of this trial, we might need to reach
15 you after hours for some reason. I don't think that's
16 likely, but if you would, make sure she has a good cell
17 phone number for everybody.

18 Speaking of cell phones, I'm going to ask you to
19 leave your cell phones in the jury room if you have them
20 with you today. And starting Monday, I'm going to ask you
21 either to leave them at home or to leave them in your
22 vehicles.

23 One of the things I'm going to tell you, and you
24 heard me tell the earlier jury, is not to do any research
25 about anything regarding this case. Smartphones are a

1 small computer you hold in your hands, and they're tempting
2 to Google this or to search for that. And it's better if
3 you don't have that temptation at your fingerprints.

4 If you need to check text messages or emails for
5 business purposes, then leave your phones in your vehicles.
6 And during the day each day, you'll have an opportunity to
7 go to your vehicle and check those things. But don't bring
8 your cell phones back into the courtroom starting Monday.

9 You should note the lawyers are all going to have
10 cell phones and iPads and other electronic devices. Those
11 are tools of the trade these days, but they're under strict
12 instructions from me to keep them on silent so they don't
13 disrupt this trial, and they're well aware that I'll take
14 appropriate action if that's not followed and if there are
15 any disruptions from their devices.

16 As you heard me tell the earlier jury, do not
17 discuss this case with anyone, including the eight of
18 yourselves. I won't go over again all the reasons, but
19 there is one fundamental primary reason that this relates
20 to, and that is, you must have only the material and the
21 evidence and the information before you when you answer the
22 questions in the verdict form at the end of the trial that
23 came to you through the witnesses on the witness stand who
24 were under oath and subject to cross-examination, and the
25 documents and other exhibits that the Court has found

1 admissible under the Rules of Evidence and has admitted as
2 exhibits in the trial.

3 Those must be the sole and only source of
4 information you have before you to draw on. Therefore,
5 don't talk with anybody, don't communicate with anybody,
6 orally, in writing, digitally, or any other way.

7 And that goes for the eight of yourselves, until
8 such time as I instruct you otherwise.

9 Likewise, the parties in this case and their
10 counsel are not going to enter into conversation with you,
11 even when they pass you in the hallway or you see them on
12 the front steps of the building. Again, that's my
13 instruction. That's so that the only communication and the
14 only information you'll have is what comes to you through
15 the trial in the courtroom. Don't think they're being
16 rude. Don't hold it against them. That's simply my
17 instruction.

18 And when I've told you earlier -- as I've told you
19 earlier, when you are -- or when you're instructed by me
20 not to communicate with anyone about the case, that covers
21 social media. Don't post. Don't tweet. Don't do anything
22 on any social media platform. Don't email. Don't text.
23 Don't communicate in any way with anyone about anything
24 related to the case.

25 If under any circumstance anybody approaches you

1 during your service as jurors that you feel awkward or
2 uneasy about, tell Mrs. Clendening immediately, she'll let
3 me know, and I will deal with it. I don't think that's
4 likely, but it is possible.

5 And, finally, ladies and gentlemen, if there's
6 anything that changes with your circumstances or your
7 immediate family's circumstances that impacts you with
8 regard to their public health, if somebody should go into
9 quarantine that would cause you to have a problem, or
10 somebody should test positive for the Coronavirus that
11 would cause you a problem, let Ms. Clendening know.

12 We're going to take every reasonable precaution we
13 can to see that that doesn't happen. But we don't have you
14 here 24/7. And if something, despite best efforts, goes
15 awry, make sure we know about it, and she is the person you
16 should communicate with.

17 While you're in the jury room for this shortened
18 lunch break, the face shields I told you about are back
19 there. Please open them and get one ready so that when you
20 come back after this lunch break, we cannot look at half of
21 your faces through those non-transparent masks but we can
22 see all of your faces with the face shield in front of you.

23 Again, the lawyers will remain masked, the support
24 teams will remain masked, except when the lawyers are
25 addressing you or the Court from the podium.

1 Those are my instructions. Please follow them.
2 Please enjoy a short lunch. And then we'll get back in
3 here in about 30 minutes.

4 At that time, I have some more detailed
5 instructions to give you on the record. And then after my
6 instructions to you, counsel for the Plaintiff will present
7 their opening statement, and Defendant will then follow and
8 present Defendant's opening statement.

9 These are not arguments. These are statements.
10 This is what the parties believe the evidence will show you
11 over the course of the trial.

12 And, again, ladies and gentlemen, what the lawyers
13 tell you in this case is not evidence. But we'll hear
14 opening statements from both Plaintiff and Defendant.

15 After those opening statements are complete, then
16 I'm going to excuse you for the day, and we'll plan to see
17 you back here Monday, May the 3rd, ready to go, assembled
18 by 8:30. And we'll follow the same kind of times table
19 that I told the other jury about. Hopefully, we can
20 complete this trial, and I can accept your returned verdict
21 by or before the end of next week. And by working longer
22 days, we'll make sure that it doesn't take two weeks, if we
23 can do it in one week.

24 Again, please follow all my instructions,
25 including, of course, not to discuss the case with anyone

1 and among yourselves.

2 With that, ladies and gentlemen, you're excused to
3 the jury room for lunch.

4 COURT SECURITY OFFICER: All rise.

5 (Jury out.)

6 THE COURT: We stand in recess until shortly after
7 3:00 p.m.

8 COURT SECURITY OFFICER: All rise.

9 MR. DACUS: Your Honor, what time?

10 THE COURT: Shortly after 3:00 p.m. -- no, I'm
11 sorry, 3:30, 3:40, plus or minus.

12 MR. DACUS: Thank you.

13 (Recess.)

14 (Jury out.)

15 COURT SECURITY OFFICER: All rise.

16 THE COURT: Be seated, please.

17 Let's bring in the jury, please, Mr. Elliott.

18 COURT SECURITY OFFICER: All rise.

19 (Jury in.)

20 THE COURT: Please be seated, ladies and
21 gentlemen.

22 Welcome back, ladies and gentlemen of the jury.

23 I'd like to now give you some preliminary
24 instructions on the record before we start with the opening
25 statements from the lawyers for the parties.

1 You've now been sworn as the jurors in this case.
2 And as the jury, you are the sole judges of the facts. And
3 as such, you will decide and determine what all the facts
4 are in this case.

5 As the Judge, I will give you instructions on the
6 law, I'll decide any questions of law, evidence, or
7 procedure that arise during the trial, and I'm responsible
8 for maintaining the efficient flow of the evidence over the
9 course of the trial and maintaining the proper decorum of
10 the courtroom.

11 At the end of the evidence, I'll give you detailed
12 instructions about the law to apply in deciding this case,
13 and I'll also give you a list of questions that you are
14 then to answer. This list of questions is called the
15 verdict form. And your answers to those questions will
16 need to be unanimous. And those unanimous answers to the
17 questions in the verdict form will constitute the jury's
18 verdict in this case.

19 Now, let me briefly tell you what this case is
20 about.

21 This case involves a dispute regarding certain
22 United States patents. I know you all saw the patent video
23 film prepared by the Federal Judicial Center, but I need to
24 give you some instructions now and on the record about a
25 patent and how one is obtained.

1 Patents are granted or denied by the United States
2 Patent and Trademark Office, sometimes called the Patent
3 Office, sometimes called, just for short, the PTO.

4 A valid United States patent gives the holder of
5 the patent the right for up to 20 years from the date the
6 application is filed to permit others from making, using,
7 offering to sell, or selling the patented invention within
8 the United States, or from importing it into the United
9 States without the patentholder's permission.

10 A patent is a form of property called intellectual
11 property, and like all forms of property, a patent can be
12 bought or sold. A violation of the patentholder's rights
13 is called infringement. The patentholder may try to
14 enforce a patent against persons it believes to be
15 infringers by filing a lawsuit in federal court, and that's
16 what we have in this case.

17 The process of obtaining a patent is called patent
18 prosecution. To obtain a patent, one must first file an
19 application with the United States Patent and Trademark
20 Office or simply the PTO. The PTO, ladies and gentlemen,
21 is an agency of the United States Government, and it
22 employs trained examiners who review patents and
23 applications for patents.

24 The application includes within it what is called
25 a specification. The specification contains a written

1 description of the claimed invention telling what it is,
2 how it works, how to make it, and how to use it. The
3 specification concludes or ends with one or more numbered
4 sentences. These numbered sentences are called the patent
5 claims.

6 When a patent is granted by the PTO, it's the
7 claims, ladies and gentlemen, that define the boundaries of
8 its protection and give notice to the public of those
9 boundaries.

10 Now, patent claims may exist in two forms referred
11 to as independent claims and dependent claims.

12 An independent claim does not refer to any other
13 claim in the patent. It is independent. It's not
14 necessary to look at any other claim to determine what an
15 independent claim covers.

16 However, a dependent claim refers to at least one
17 other claim in the patent. A dependent claim includes each
18 of the elements or limitations of that other claim or
19 claims from which it depends or to which it refers, as well
20 as the additional limitations or elements recited within
21 the dependent claim itself.

22 Accordingly, to determine what a dependent claim
23 covers, it's necessary to look at both the dependent claim
24 itself and the independent claim or claims from which it
25 refers, or as we sometimes say, from which it depends.

1 Now, the claims of the patents-in-suit use the
2 word "comprising." Comprising means including or
3 containing. A claim that includes the word "comprising" is
4 not limited to the methods or devices having only the
5 elements that are recited in the claim but also covers
6 methods or devices that add additional elements.

7 Let me give you a simple example. If you take a
8 claim that covers a table, if the claim recites a table
9 comprising a tabletop, legs, and glue, the claim will cover
10 any table that contains these three structures, even if the
11 table also contains other structures, such as leaves to
12 expand the tabletop, or wheels to go on the ends of the
13 legs.

14 Now, that's a simple example using the word
15 "comprising" and what it means. In other words, ladies and
16 gentlemen, it can have other features in addition to those
17 that are covered by the patent.

18 Now, after the applicant files their application
19 with the Patent and Trademark Office, an examiner is
20 assigned, and that examiner reviews the application to
21 determine whether or not the claims are patentable, that is
22 to say, appropriate for patent protection, and whether or
23 not the specification adequately describes the invention
24 claimed.

25 In examining the patent application, the examiner

1 reviews certain information about the state of the
2 technology at the time the application was filed. The PTO
3 searches for and reviews this type of information that's
4 publicly available, or it was submitted by the applicant.

5 This type of information is called prior art. The
6 examiner reviews this prior art to determine whether or not
7 the invention is truly an advance over the state of the art
8 at the time. Prior art is defined by law, and I'll give
9 you specific instructions at a later time as to what
10 constitutes prior art.

11 However, in general, prior art includes
12 information that demonstrates the state of the technology
13 that existed before the claimed invention was made or
14 before the application for a patent was filed.

15 Now, a patent contains a list of certain prior art
16 that the examiner has considered. The items on this list
17 are called the cited references.

18 Now, after the prior art search and examination of
19 the application by the examiner, the examiner then informs
20 the applicant in writing of what the examiner has found and
21 whether the examiner considers any claim to be patentable
22 in which case it will be allowed.

23 Now, this writing from the examiner to the
24 applicant is called an Office Action.

25 Now, if the examiner rejects the claims, the

1 applicant has the opportunity to respond to the examiner,
2 to try to persuade the examiner to allow the claims.

3 The applicant also has the chance to change or
4 amend the claims or to submit new claims, and these papers,
5 ladies and gentlemen, generated through these
6 communications back and forth between the applicant and the
7 examiner are called the prosecution history.

8 And this process may go back and forth between the
9 applicant and the examiner for some time until the examiner
10 is satisfied that the application meets the requirements
11 for a patent. And in that case, the application issues as
12 a United States patent, or in the alternative, if the
13 examiner ultimately decides that the application should be
14 rejected, then no patent is issued.

15 Sometimes patents are issued after appeals within
16 the PTO or to a Court.

17 Now, to help you follow the evidence, I'll give
18 you a brief summary of the positions of the two competing
19 parties.

20 As you well know, the party that initiates and
21 brings a lawsuit is called the Plaintiff. The Plaintiff in
22 this case is GREE, Inc., which you'll hear referred to
23 throughout the trial simply as either the Plaintiff or as
24 GREE.

25 And as you know, the party against whom a lawsuit

1 is brought is called the Defendant. The Defendant in this
2 case is Supercell Oy, which you'll hear referred to simply
3 as the Defendant or as Supercell.

4 And as I told you during jury selection, this case
5 is a case of alleged patent infringement, and there are six
6 United States patents that have been asserted in this case.

7 The first of these is United States Patent
8 No. 10,328,346, and as you may know, patents are commonly
9 referred to by the last three digits of their patent
10 number. So in this case, Patent No. 10,328,346 will be
11 referred to and you'll hear it referred to throughout the
12 trial as the '346 patent.

13 The second U.S. patent at issue in this case is
14 United States Patent No. 10,335,689, which you will hear
15 referred to as the '689 or the '689 patent.

16 The third patent is United States Patent
17 10,076,708, which you'll hear referred to as the '708
18 patent.

19 The fourth U.S. patent is United States Patent
20 No. 10,413,832, which you'll hear referred to as the '832
21 or the '832 patent.

22 The fifth United States Patent at issue is U.S.
23 Patent No. 9,079,107, which you'll hear referred to as the
24 '107 patent throughout the trial.

25 And the sixth and final U.S. patent at issue in

1 this case is United States Patent No. 9,561,439, which
2 you'll hear referred to as the '439 or the '439 patent
3 during the course of the trial.

4 Now, these patents together -- these six patents
5 together, ladies and gentlemen, will be referred to
6 collectively over the course of the trial at various times
7 as either the patents-in-suit or the asserted patents.

8 When those terms are used, it means all six of
9 them. And these patents generally relate to video game
10 technology.

11 Now, the Plaintiff in this case, GREE, contends
12 that the Defendant, Supercell, is infringing certain claims
13 of the patents-in-suit by making, using, selling, or
14 offering for sale or importing into the United States
15 products that include their patented technology.

16 GREE also contends that Supercell's infringement
17 is willful.

18 GREE also contends that Supercell has induced or
19 contributed to and continues to induce or contribute to
20 infringement by others.

21 GREE also contends that it's entitled to money
22 damages as a result of that infringement.

23 The Defendant, Supercell, denies that it is
24 infringing any of the Plaintiff's patents-in-suit and
25 contends that certain of the asserted claims of the six

1 patents-in-suit are invalid as either being anticipated or
2 obvious in light of the prior art.

3 Supercell also contends that certain of the
4 asserted claims of the patents-in-suit are invalid because
5 the patent specifications do not contain a sufficient
6 written description of the invention.

7 Now, I know, ladies and gentlemen, that there are
8 many new words and many new concepts that have been thrown
9 at you today. I'm going to define a lot of those words and
10 concepts as we go through these instructions.

11 The attorneys in the case from both sides are
12 going to discuss them and help you with them in their
13 opening statements. The witnesses that you will hear over
14 the course of the trial are going to help you through their
15 testimony to understand these words and concepts.

16 So, please, do not feel overwhelmed at this point.
17 I promise you, it will all come together as we go forward.

18 Now, one of your jobs in this case is to decide
19 whether or not the asserted claims of the six asserted
20 patents have been infringed.

21 You'll also be asked to decide whether or not
22 certain of the asserted claims from within the
23 patents-in-suit are invalid.

24 If you decide that any claim of the
25 patents-in-suit has been infringed by the Defendant and is

1 not invalid, then you'll need to decide whether or not that
2 infringement has been willful. You'll also need to decide
3 what amount of money damages should be awarded to the
4 Plaintiff as compensation for that infringement.

5 Now, my job in this case is to tell you what the
6 law is, handle rulings as to evidence and procedure, and
7 oversee the course of the trial.

8 In determining the law, ladies and gentlemen, it
9 is specifically my job to determine the meaning of any of
10 the claim language from within the asserted patents that
11 needs to be interpreted.

12 And I've already determined the meanings of
13 certain claim language from the patents-in-suit, and you
14 must accept the meanings that I give you and use those
15 meanings or constructions when you decide whether any
16 particular claim has or has not been infringed and whether
17 or not any particular claim is invalid.

18 You'll be given a document in a few moments that
19 reflects these meanings or constructions which the Court
20 has provided to you.

21 Now, for any claim term or language for which I
22 have not provided you with a definition or construction,
23 you should apply the plain and ordinary meaning as
24 understood by a person of ordinary skill in the art.

25 Now, if I have provided you with a definition, you

1 are to apply my definition to those terms and that language
2 throughout the case.

3 However, ladies and gentlemen, my interpretation
4 of some of the language of the claims should not be taken
5 by you as an indication that I have any personal opinion at
6 all regarding issues such as infringement and invalidity,
7 because those issues are yours to decide as a jury, and
8 they're yours alone to decide.

9 I'll provide you with more detailed instructions
10 on the meanings of the claims before you retire to
11 deliberate on your verdict.

12 In deciding the issues that are before you, you'll
13 be asked to consider specific legal rules, and I'll give
14 you an overview of those rules now. And then at the
15 conclusion of the case, I'll give you more detailed
16 instructions.

17 The first issue that you are asked to decide is
18 whether the Defendant, Supercell, has infringed any of the
19 asserted claims of the patents-in-suit.

20 Infringement, ladies and gentlemen, is determined
21 and assessed on a claim-by-claim basis. And GREE, the
22 Plaintiff, must show you by a preponderance of the evidence
23 that a claim has been infringed. Therefore, there may be
24 infringement as to one claim but no infringement as to
25 another claim.

1 There are also a few different ways that a patent
2 claim can be infringed, and I'll explain the requirements
3 for each of these types of infringement in detail at the
4 conclusion of the case.

5 But in general, a Defendant may infringe an
6 asserted patent by making, using, selling, or offering for
7 sale in the United States or importing into the United
8 States a product meeting all the requirements of a claim of
9 the asserted patents.

10 And I'll provide you with more detailed
11 instructions on infringement at the conclusion of the case.

12 Now, the second issue that you'll be asked to
13 decide is whether certain of the asserted claims are
14 invalid.

15 Invalidity, ladies and gentlemen, is a defense to
16 infringement. Therefore, even though the United States
17 Patent and Trademark Office has allowed the asserted
18 claims, and even though an issued United States patent is
19 presumed to be valid, you, the jury, must decide whether
20 those claims are invalid after hearing the evidence
21 presented during this trial.

22 Excuse me.

23 You may find a patent claim to be invalid for a
24 number of reasons, including because it claims subject
25 matter that is not new, or it is obvious.

1 For a patent claim to be invalid because it is not
2 new, the Defendant must show by clear and convincing
3 evidence that all of the elements of a claim are
4 sufficiently described in a single previous printed --
5 printed publication or patent. If a claim is not new, it
6 is said to be anticipated.

7 Another way that a claim can be found to be
8 invalid is that it may have been obvious. Even though a
9 claim is not anticipated because every element of the claim
10 is not shown or sufficiently described in a single piece of
11 prior art, the claim may still be invalid, if it would have
12 been obvious to a person of ordinary skill in the field of
13 the technology of the patent at the relevant time.

14 Now, you'll need to consider a number of questions
15 in deciding whether the claimed invention in the asserted
16 patents is obvious. And I'll provide you with more
17 detailed instructions on these questions at the conclusion
18 of the trial.

19 Now, another way that a claim can be found to be
20 invalid is that there may have been a lack of a written
21 description -- a lack of an adequate written description.

22 A patent may be invalid if its specification does
23 not describe the claimed invention in sufficient detail so
24 that one skilled in the art can reasonably conclude that
25 the inventor actually had possession of the invention they

1 are claiming.

2 If you decide that any of the claims of the
3 patents-in-suit have been infringed and are not invalid,
4 then you'll need to decide whether the Defendant's
5 infringement has been willful. If you decide that any
6 claim of the patents-in-suit has been infringed and is not
7 invalid, then you'll need to decide what amount of money
8 damages should be awarded to the Plaintiff -- in this case
9 GREE -- to compensate it for that infringement.

10 A damage award in a patent case, ladies and
11 gentlemen, must be adequate to compensate the patentholder
12 for the infringement, and in no event may a damage award be
13 less than what the patentholder would have received if it
14 had been paid a reasonable royalty for the use of its
15 patent.

16 However, the damages you award, if any, are meant
17 to compensate the patentholder, and they're not meant to
18 punish the Defendant. And you may not include in any
19 damages award an additional amount as a fine or a penalty
20 above what is necessary to fully compensate the
21 patentholder for the infringement.

22 Additionally, damages can't be speculative, and
23 the Plaintiff, GREE, must prove the amount of its damages
24 for the alleged infringement by a preponderance of the
25 evidence.

1 I'll give you more detailed instructions on the
2 calculation of damages for the Defendant's alleged
3 infringement of the patents-in-suit at the conclusion of
4 the trial, including by giving you specific instructions
5 with regard to the calculation of a reasonable royalty.

6 However, the fact that I'm instructing you on
7 damages does not mean that GREE is or is not entitled to
8 recover damages.

9 Now, over the course of the trial, ladies and
10 gentlemen, you're going to be hearing from a number of
11 witnesses in this case. And I want you to keep an open
12 mind while you're listening to the evidence, and not decide
13 any of the facts until you have heard all of the evidence.

14 This is important. While the witnesses are
15 testifying, remember that you, the jury, will have to
16 decide the degree of credibility and believability to
17 allocate to each of the witnesses and the evidence.

18 So while the witnesses are testifying, you should
19 be asking yourselves things like this: Does the witness
20 impress you as being truthful? Does he or she have a
21 reason not to tell the truth? Does he or she have any
22 personal interest in the outcome of the case? Does the
23 witness seem to have a good memory? Did he or she have an
24 opportunity and ability to observe accurately the things
25 that they've testified about? Did the witness appear to

1 understand the questions clearly and answer them directly?
2 And, of course, does the witness's testimony differ from
3 the testimony of any other witness, and if it does, how
4 does it differ?

5 These are some of the things that you should be
6 thinking about while you're listening to each witness over
7 the course this trial.

8 Also, ladies and gentlemen, I want to talk to you
9 briefly about expert witnesses.

10 When knowledge of a technical subject may be
11 helpful to the jury, a person who has special training and
12 experience in that particular technical field, we call them
13 an expert witness, is permitted to testify to the jury
14 about his or her opinions on those technical matters.

15 However, ladies and gentlemen, you're not required
16 to accept an expert witness's or any witness's opinions at
17 all. It's up to you to decide who to believe and whether a
18 witness is correct or incorrect, or whether or not you want
19 to believe what they have to say.

20 Now, I anticipate that there will be expert
21 witnesses testifying in support of each of the parties in
22 this case. But when they do, it will be up to you to
23 listen to their qualifications. And when they give you an
24 opinion on some technical matter and explain their basis
25 for it, you'll have to evaluate what they say, whether or

1 not you believe it, and what degree, if any, that you want
2 to give that opinion weight.

3 Remember, judging and evaluating the credibility
4 and the believability of each and every witness is a very
5 important part of your job as jurors.

6 Now, during the trial, it's possible that there
7 will be testimony from one or more witnesses that are going
8 to be presented to you through what's called a deposition.
9 In trials like this one, it's difficult, if not impossible,
10 to get every witness physically present at the same time to
11 testify live from the courtroom.

12 So the lawyers from each side, prior to the trial,
13 take the depositions of each of the witnesses. In a
14 deposition, a court reporter is present, the witness is
15 sworn and placed under oath, just as if he or she were
16 personally in court.

17 The parties are represented by their lawyers.
18 They ask this witness questions. And the answers and the
19 questions are written, transcribed, and taken down by the
20 court reporter.

21 It's important to understand, ladies and
22 gentlemen, that during the course of the trial, when these
23 deposition witnesses are presented to you, you're likely to
24 see places where they are spliced together or clips.

25 Let me explain. Most depositions now are taken

1 with a video recording, as well as the written
2 transcription of the questions and the answers.

3 And where there's a video recording, and portions
4 of that deposition are played to the jury during a trial,
5 it's inevitable that you're going to see places where it's
6 clear that the videotape has been spliced together.

7 It's also clear that there are going to be times
8 when the person's voice changes because the lawyers or the
9 parties stops, and the other lawyer starts asking
10 questions.

11 Don't let those spliced segments or the change in
12 voices distract you in any way. Remember, ladies and
13 gentlemen -- and let me explain.

14 Most depositions in lawsuits like this last many
15 hours, typically seven hours each. Well, there might be 15
16 minutes of testimony taken during that deposition that both
17 of the parties in the trial think is important for the jury
18 to hear, and that witness can't appear physically to give
19 that testimony.

20 So by taking that 15 minutes out and splicing it
21 together and playing that portion of the video to you, it
22 saves you and me and everybody else listening to the entire
23 seven-hour deposition to get that 15 minutes.

24 So when you see those places where it's obviously
25 spliced or you hear a different-sounding voice, just think

1 of it as saving you hours and hours of time, and don't let
2 it distract you in any way.

3 Now, deposition testimony -- and I want to be
4 clear about this. Deposition testimony, even though the
5 person is not physically present in the courtroom, is
6 entitled to the same consideration, insofar as possible,
7 and is to be judged by you, the jury, as to the
8 credibility, weight, and otherwise considered in the same
9 way as if the witness had been physically present and given
10 their testimony live from the witness stand in open court.

11 Also, ladies and gentlemen, information on some of
12 the documents that you're going to see over the course of
13 the trial will have been redacted prior to their
14 presentation to you based on orders of the Court. That's
15 because there may be information in those documents that's
16 not relevant to what you're deciding.

17 You should not be distracted by any redactions or
18 blacked-out places in any of the documents that you see
19 over the course of the trial. Don't focus on the
20 redactions. Don't try to guess what has been redacted.
21 Focus on the unredacted portions that is clearly presented
22 to you to look at.

23 Again, the Court's ordered those redactions
24 previously based on a determination that that material is
25 not relevant to the issues you're going to be asked to

1 decide.

2 Also, over the course of the trial, certain
3 exhibits are going to be shown to you that are called
4 demonstrative exhibits, and that's sometimes shortened to
5 be simply referred to as demonstratives.

6 Demonstrative exhibits are a party's depiction,
7 picture, model to describe something involved in the trial.

8 Demonstrative exhibits are often used, along with
9 the witness's own testimony, to help describe or
10 demonstrate what the witness is testifying about.

11 But remember, demonstrative exhibits, or
12 demonstratives for short, are not evidence, but the
13 witness's testimony given under oath while using a
14 demonstrative is evidence.

15 Also, during the course of the trial, it's
16 possible that the lawyers will from time to time raise
17 certain objections. And when they do, I will issue rulings
18 on those objections.

19 It's the duty of an attorney to object when the
20 other side offers evidence or testimony that the attorney
21 believes is not proper under the rules of the Court or the
22 Rules of Evidence.

23 Upon allowing the testimony or the other evidence
24 to be introduced over the objection of an attorney, the
25 Court does not, unless expressly stated, indicate to you

1 any opinion as to the weight or effect of that evidence.

2 As I've said before, you, the jury, are the sole
3 judges of the credibility and believability of all the
4 witnesses and the weight and what effect, if any, to give
5 to the evidence that's presented over the course of the
6 trial.

7 Now, let me compliment the parties in your
8 presence, ladies and gentlemen, because prior to today,
9 long before you got to the courthouse, the parties and the
10 Court worked very diligently to go through many, many, many
11 exhibits and potential exhibits that would be offered to
12 you during the course of the trial.

13 And through all these pre-trial procedures, which
14 took many hours, I assure you, all the rulings from the
15 Court have already been made about the admissibility of the
16 exhibits.

17 And I promise you, that process has saved you
18 much, much time that you would otherwise have to sit and
19 listen to over the course of this trial.

20 And because these exhibits have already been
21 tested as to their admissibility before the Court and the
22 Court's entered its rulings, the parties don't have to go
23 through the formal offer of that exhibit and hear the
24 objections and let the Court rule on it during the trial.

25 All that's already been done so that when the

1 parties show you an exhibit that's been admitted by the
2 Court, they can simply show it to you, put it in the proper
3 context, and use it during the course of the trial.

4 And you may not understand it, but you have been
5 spared many, many hours of tedious arguments about
6 admissibility of exhibits that the Court has taken up with
7 the lawyers in advance of today.

8 And both sides have worked very diligently with
9 the Court to streamline these issues so that you don't have
10 to listen to them over the course of the trial. And I
11 promise you, it has saved you a lot of time.

12 However, even though that's the case, it's still
13 possible that during the course of the trial objections
14 will arise during the trial itself.

15 And if I should sustain an objection to a question
16 addressed to a witness, then you, the jury, must disregard
17 the question entirely, and you may draw no inference from
18 its wording, and you may not speculate about what the
19 witness would have said if the Court had allowed them to
20 answer the question.

21 On the other hand, if I overrule an objection to a
22 question addressed to a witness, then you should consider
23 the question and the witness's answer just as if no
24 objection had been made.

25 Now, you should know, ladies and gentlemen, that

1 the law of the United States permits a United States
2 District Judge to comment to a jury regarding the evidence
3 in the case, but those comments from the Judge to the jury
4 on the evidence are only an expression of the Judge's
5 opinion, and the jury may be free to completely disregard
6 those comments because as I've told you, you, the jury, are
7 the sole judges of the facts in this case, the credibility
8 of the witnesses, and the amount of weight, if any, to give
9 to all of the evidence.

10 Let me assure you, even though the law may permit
11 me to make those kind of comments, as I told you earlier, I
12 am going to try very hard not to comment on any of the
13 evidence presented to you over the course of this trial.

14 Now, our court reporter in front of me,
15 Ms. Holmes, is taking down everything that's said in the
16 courtroom. And that produces a written transcript of
17 everything that's said over the course of the trial.

18 However, the written version of that transcript is
19 not going to be available to you to review in the jury room
20 when you deliberate on the evidence and consider the
21 questions presented to you in the verdict form.

22 The transcript is prepared in case there's an
23 appeal of this case to a higher Court. That means, ladies
24 and gentlemen, you're not going to have the transcript to
25 use. You're going to have to rely on your memory of the

1 evidence.

2 Now, in a moment, you're each going to be given a
3 juror notebook. In the front of that notebook, you'll find
4 places -- actually in the back of the notebook, you'll find
5 a legal pad where you can take notes over the course of the
6 trial.

7 Also, some of the inserted pages in the notebook
8 itself will have ruled lines on them where you can take
9 additional notes.

10 It is up to each of you to decide whether or not
11 over the course of the trial you want to take notes during
12 the witness's testimony. And if you do, it's up to you to
13 decide how detailed you want those notes to be.

14 But, remember, any notes that you may take are for
15 your own personal use. You still have to rely on your
16 memory of the evidence, which is why you should pay close
17 attention to the testimony of each and every witness.

18 You shouldn't abandon your own recollection of the
19 evidence, ladies and gentlemen, because some other juror's
20 notes indicate something differently. Your notes, if you
21 take them, are to refresh your recollection, and that's the
22 only reason you should be keeping them.

23 I'll now ask our Court Security Officer to
24 distribute these juror notebooks to each member of the
25 jury.

1 In these notebooks, ladies and gentlemen, you'll
2 see that you each have a copy of the various asserted
3 patents that we've talked about, the patents-in-suit.

4 You'll also see that you should have a chart in
5 there listing on one side the language from the asserted
6 claims that the Court has construed and provided you with
7 definitions of, and on the corresponding ledger to the
8 side, you'll see the construction or the definition that
9 the Court's given you.

10 And, again, you are to use my definitions in the
11 constructions where I've given them to you throughout the
12 course of the trial with regard to the issues you're asked
13 to decide.

14 Also, you'll find in those notebooks a section of
15 witness pages for each witness that might testify with a
16 picture of the witness at the top of the page, their name,
17 and ruled lines beneath for additional note-taking.

18 And you'll find the legal pad in the back that I
19 mentioned to you. And you should also find a pen in the
20 front. All of this is to accommodate you in taking notes
21 during the trial if you wish to take notes.

22 Now, in a minute, ladies and gentlemen, the
23 lawyers in this case are going to present their opening
24 statements.

25 The opening statements are designed to give you a

1 roadmap of what each side expects the evidence will show,
2 and you should remember throughout the trial that what the
3 lawyers tell you is not evidence.

4 The evidence is the sworn testimony that you'll
5 hear both from the witness stand of live witnesses and the
6 deposition testimony of witnesses who are not present in
7 the courtroom, as well as any of the exhibits that the
8 Court has already admitted into the evidence. That's the
9 evidence in this case.

10 What the lawyers tell you is their impression of
11 what the evidence is and what it means, and they have a
12 duty to try and point out to you what they believe the
13 evidence is. But, remember, what they tell you is not
14 evidence.

15 Now, after the opening statements are complete, we
16 will recess until Monday morning at 8:30, and on Monday
17 morning at 8:30, we'll begin with the presentation of the
18 Plaintiff's evidence in this case.

19 The Plaintiff will put on their evidence first.
20 That's called the Plaintiff's case-in-chief.

21 After the Plaintiff puts on its case-in-chief, its
22 evidence, it will rest.

23 And then the Defendant will put on its
24 case-in-chief and call its witnesses. When the Defendant
25 has completed and presented all its evidence, then the

1 Defendant will rest.

2 After the Defendant rests, the Plaintiff has an
3 opportunity to call what are called rebuttal witnesses if
4 they choose to. They're not required to.

5 If there are rebuttal witnesses, then when the
6 Plaintiff's rebuttal witnesses are presented, at that point
7 and when that's complete, then you will have heard all the
8 evidence in this case.

9 After that, I will give you my final instructions
10 on the law that you're to apply, and you will hear closing
11 arguments from the lawyers for each of the parties. And
12 when the closing arguments are complete, then I will
13 instruct you to retire to the jury room, take the verdict
14 form that's been prepared with you, and deliberate on your
15 verdict.

16 Remember, until that time, you are not to discuss
17 the case or any of the evidence with each other. Only when
18 all of that has happened and I've instructed you to retire
19 to the jury room to deliberate on your verdict, at that
20 moment, the light switch turns, and it becomes your duty to
21 discuss the evidence that you've heard over the course of
22 the trial with each other in an effort to reach a unanimous
23 decision about the questions in the verdict form.

24 But until that point, you must not discuss the
25 evidence or any of the witnesses or anything about the

1 trial with each other or, of course, with anyone else.

2 At this time, we'll proceed to hear the opening
3 statements from the parties.

4 The Plaintiff, GREE, may present its opening
5 statement to the jury at this time.

6 MR. MOORE: Thank you, Your Honor.

7 THE COURT: Would you like a warning on your time,
8 counsel?

9 MR. MOORE: Yes, Your Honor. Five minutes,
10 please.

11 THE COURT: I'll warn you at five minutes
12 remaining.

13 MR. MOORE: Thank you.

14 THE COURT: You may proceed with your opening
15 statement.

16 MR. MOORE: Thank you, Your Honor. And may it
17 please the Court.

18 Good afternoon, ladies and gentlemen. I know it's
19 been a long day. At the end of probably a very long week
20 for many of you. So thank you very much for your service
21 in this matter. And this is a very important case for my
22 client, GREE.

23 I'll be happy to present our opening statement to
24 you.

25 My name is Steve Moore, and like the others have

1 done today, I'll give a little introduction about myself as
2 well as my client and our team.

3 I live in California right now. But I grew up
4 most of my life, most of my childhood, I should say, in
5 Louisiana, just outside of New Orleans. I moved to Georgia
6 for high school, then to North Carolina for college where I
7 met my wife and then law school, as well.

8 I practiced law between Georgia and North Carolina
9 for a number of years until my law firm entered into a
10 merger with a California firm. At that point I moved out
11 west.

12 I've been married as they say for more than 25
13 years. My wife work works for a technology company. I
14 have two children. My son is 21, my daughter is 17. Now,
15 she's trying to get through high school, but he's been in
16 college, but with COVID and things going remote, decided to
17 take the year off, come back home and work for a year, but
18 will go back in the fall. So that's a little bit about me.

19 I also want to introduce to you my client here at
20 the table, Mr. Eiji Araki. Mr. Araki is from Tokyo, Japan,
21 and has come here to Marshall as the representative for
22 GREE. Thank you, Mr. Araki.

23 Mr. Araki is a senior vice president and also on
24 the board of directors for GREE, and you'll hear from him
25 early next week in his testimony. You've already met my

1 co-counsel, Mr. Gillam, so I'd like to also introduce you
2 then to my law partner and good friend, Ms. Taylor Ludlam.

3 Ms. Ludlam was born and bred in North Carolina and
4 practices law now with my firm, as well. You'll hear from
5 her in the case. You may also hear from some other folks
6 on our team later on.

7 As you've heard many times and seen this morning,
8 this is a patent case, and it involves six patents. Let's
9 see if I can get this to work. There we go.

10 As you heard this morning, the case involves
11 important rights in our constitution. The constitution
12 provides for our patent system, and provides the government
13 to allow patents to be issued.

14 And GREE did just that. It did the right thing
15 and invested in patents in its inventions, not only in its
16 home country, but also here in the United States.

17 Now, the constitution of our country also provides
18 for a right to trial by jurors, and as you've heard, that's
19 what happens in a case like this one where a Plaintiff,
20 like GREE, believes that another company is infringing or
21 using its technology under a U.S. patent for sales
22 activities here in the United States.

23 And so that's why we brought this action, to have
24 you address and decide this important case.

25 Now, certainly, it is true, as Supercell's counsel

1 reminded you, that this right to trial by jury also
2 involves a right to defend yourself.

3 And they absolutely have every right to do that.

4 And you should listen and hear all of the
5 evidence, not make up your mind before you've heard it all.

6 But we believe that at the end of all of that
7 evidence, that you will agree with us that Supercell has
8 infringed GREE's six patents, and we'd ask you to hold
9 Supercell accountable for that infringement.

10 Now, as you've heard already, the case is about
11 gaming, in particular, video or computer games. And as
12 Mr. Gillam said, we've got to cast our minds back quite a
13 while to remember what it was like, a child of the '70s
14 like me remembers going to arcades and putting quarters in
15 to play games.

16 You know, after that we then had consoles
17 throughout the '90s and to the early part of this century.
18 And it was very different then, as you've heard. You had
19 to save up your money, you didn't know if you'd like the
20 game, the game never changed.

21 GREE is a company that helped change that as part
22 of this forefront of what's called mobile social games,
23 games played on your phone, your mobile device, with other
24 people, maybe around -- down the street, maybe around the
25 world.

1 And also games that you don't have to pay to
2 download and try out if you want to. And you can decide
3 later if you do like it enough that you want to pay
4 something for it.

5 And so GREE has been a part of that, as I say, a
6 pioneer on the forefront of that movement in the gaming
7 industry. And as you've heard, they started -- they
8 started out and remain headquartered in Japan. And for
9 those of you who are sports fans, may have heard something
10 about Japan in the sports world.

11 The Olympics are going to be there next month or
12 in two months, I think. Those of you who are golf fans
13 know Mr. Matsuyama, the Japanese golfer, first Japanese
14 golfer to win the Master's a few weeks ago.

15 But Japan is also well known for gaming. It's
16 very popular there. A lot of the advances in the industry
17 have come out of Japan. In fact, I believe just about
18 everything on this slide came or was originated from a
19 Japanese company, from PacMan to Space Invaders to Game
20 Boys and SEGAs, Nintendos, and the like and GREE is another
21 in the line of that investment.

22 Now, how did GREE get started? It was founded
23 close to 20 years ago by Mr. Tanaka in Japan. And he had
24 been inspired by his travels in the United States, about
25 the entrepreneurship and the technology innovations in the

1 United States.

2 When he went back home, he decided that he wanted
3 to have a technology company. So he started GREE on the
4 side as a hobby, as a side project from his regular job.

5 He started as a social networking company. And,
6 finally, it got so popular, he decided to quit his job and
7 take a risk and start a company. He started hiring people,
8 including Mr. Araki, one of his first hires.

9 And GREE has grown from that initial foray into
10 the social networking world. A couple years later started
11 with gaming, and now it has grown to more than 1,700
12 employees, 400 engineers, over 1,800 patents, and is
13 involved in not only gaming and social media, but media
14 advertising, virtual reality, et cetera.

15 But at its more humble beginnings, GREE started
16 one of the world's first mobile social games. This game
17 you'll hear about, Mr. Araki worked on, is called Fishing
18 Star where you can enter fishing tournaments, compete with
19 your friends, team up with them, or try to compete to see
20 who can catch the biggest one.

21 And so in that sense, GREE was ahead of its time.
22 These mobile social games hadn't made their way to other
23 parts of the world, including the United States.

24 And you'll also hear about the model, which I
25 think you heard about early a little bit, this freemium

1 model.

2 Which is, instead of buying the game, you can try
3 it out for free, and then you can, if you like it enough,
4 choose to pay to get certain advantages to get ahead in the
5 game, if that's what you want to do. So that's why we have
6 this word "freemium" combined from free and premium.

7 The last thing about these games you'll hear a lot
8 about is because of their nature, you need networks. You
9 know, 20 years ago we didn't have the networks we have now.

10 But now we can play with somebody around the world
11 or down the street on our game using WiFi or cellular
12 networks. And you have these things called servers,
13 they're big computers that essentially run the games and
14 operate it so that if you're playing somebody in Seattle,
15 Washington, you both know what's going on in the game at
16 the same time, for example.

17 And so that's GREE's start and where it got to be.
18 What about Supercell? They started a little bit later.
19 They were founded in 2010. And as many companies do, I
20 think all companies in most industries, and certainly in
21 the gaming industry, they look around at what are other
22 folks doing in the industry. Certainly GREE does that.
23 They look at other companies, other games, see what they're
24 doing, try to learn from it.

25 And that's exactly what Supercell did as it was

1 developing its first couple games. It looked around the
2 industry, and it noticed GREE as one of the players in the
3 industry, particularly these new type of social games.

4 And Supercell talked about that internally.
5 You'll see this exhibit, PTX-166.

6 This is where Supercell's CEO, Mr. Paananen, back
7 in 2012, shared with some of the other executives of the
8 company about this GREE social game that was one of the top
9 mobile social games in Japan at the time, made about
10 \$25 million per month. So that made an impression, made an
11 impression that this social gaming was where the industry
12 was headed.

13 Supercell continued with that. Mr. Greg Harper,
14 who is seated here at their table, wrote to the CEO and
15 other executives a few months later talking about an
16 interview with Mr. Araki at the table there.

17 Mr. Araki was interviewed by the press about what
18 GREE and other Japanese game makers had been doing in the
19 mobile social gaming world.

20 And Mr. Harper noticed that, emphasized some of
21 the text that was important about how these social features
22 in games really helped drive user engagement, and made the
23 users, the players interested in the games.

24 And from there, GREE and Supercell had a number of
25 interactions. They had a few meetings and correspondence.

1 They met some of each other.

2 And in 2013, contingent from Supercell traveled to
3 Japan to learn about the gaming industry from a variety of
4 Japanese companies. One of the companies they talked to
5 was GREE.

6 And there were some meetings at that time about
7 whether they might be able to work together, for example,
8 helping Supercell introduce its games and make them more
9 popular in Japan, or other type of business arrangements.

10 And you'll hear that after that meeting, Supercell
11 left extremely impressed by GREE, in Mr. Harper's words,
12 and that the meeting was incredibly helpful to them.

13 Now, ultimately, Supercell didn't agree to work
14 with GREE. They said, no, thanks. And the parties went
15 their separate ways. And so that's where the parties left
16 it in 2013.

17 Now, that might have been the end of the story,
18 except that about three and a half years later from that,
19 in 2016, GREE did some looking at some features that had
20 been added into Supercell's games in the intervening time
21 period, and found out that some of those features infringed
22 its patents. And so that's what ultimately leads us here
23 today.

24 Now, talking about infringement, and you saw this
25 in the video and have heard it from Judge Gilstrap,

1 infringement is -- it's a type of trespassing, really, of a
2 property right. Not a land property right, but an
3 intellectual property right. Just as you might fence off
4 your land, the claims of a patent fence off your rights to
5 intellectual property. And that's what we'll talk about
6 here. You'll hear a lot about claims.

7 GREE received a number of patents on its
8 inventions. There are six United States patents that GREE
9 has received that are at issue here today.

10 And these are the six patents that the U.S.
11 Government awarded to GREE based on its applications. I
12 put them on the slide here, as well, and we'll talk about
13 them.

14 Now, as you just heard, patents are often referred
15 to by their last three numbers, so we don't have to repeat
16 that long number every time, and that's how we'll talk
17 about them.

18 We've also added some short names to help us
19 remember them, so some of us may -- like me, may not have a
20 memory for numbers, we've added some short names that we
21 think are descriptive, so you'll hear about that, as well.

22 Just a couple other things on patents, and I know
23 you were just given this juror notebook, probably haven't
24 had a chance to look at it.

25 But if you look, there are the six patents, as you

1 heard. And just to orient you a little bit on what the
2 patents involve, you've got the front page with a number up
3 here at the top right, and a whole lot of, you know, kind
4 of basic information about the patent.

5 And then if you keep flipping, you'll see prior
6 art -- a list of prior art that the Patent Office looked at
7 when they granted the patent and decided it was new.

8 Then you'll see a variety of drawings or figures
9 that visually depict the invention. And then you get to
10 this dense text in the two columns on each page.

11 Now, that's called the specification. And you'll
12 hear a lot throughout this trial, witnesses or the
13 attorneys talking about the specification. And you see
14 these column numbers at the top. You see the numbers down
15 in the middle of the page, those are line numbers.

16 So, for example, a witness might say, well, turn
17 to Column 5, let's look at Line 8. And so that's just a
18 way to help you orient if we're looking at a patent, what
19 you might want to be looking for.

20 Now, the claims are at the end of the patent. And
21 so for this particular example, the '346, live battle
22 patent, if you go to Column 10, about halfway down, about
23 Line 33, you see what is claimed is, and then there's these
24 numbered paragraphs that go on for a couple pages. Those
25 are the claims. That's the meets and bounds, so to speak,

1 the legal description of the intellectual property right,
2 and that's what we'll walk through when we prove to you
3 that there's been infringement, is some of those claims.

4 Now, these patents have a lot of claims. Don't
5 worry, we won't go through all of them. We're going to go
6 through nine claims among the six patents that we've
7 selected for this trial. And that's what -- these patents
8 all generally relate to advances in the gaming field that
9 help improve games, improve these -- particularly these
10 mobile social server-based network games, and that help
11 keep users engaged and interested. And you'll hear a lot
12 about patents, so I won't go into much more detail right
13 now about that.

14 Now, one way to think about a lot of inventions,
15 really, but particularly inventions in the gaming space
16 is their -- it's kind of like a puzzle. You know, if you
17 have a game, there's probably a lot of things that go into
18 that game and that make it a good game. It's like a
19 puzzle. You have a lot of pieces.

20 Now, if you've done puzzles, you know that you
21 might get irritated if you lose a piece because it's not
22 quite the same. And I think the same is true for these
23 games that we're going to be talking about. There are many
24 things that contribute to the success, but some puzzle
25 pieces are more important than others. They go to the

1 heart of the game. And that's what we believe is the case
2 here with respect to GREE's patents and Supercell's games.

3 You'll hear about three games by Supercell: Clash
4 of Clans, Clash Royale, and Hay Day. And those games, we
5 will show you, infringe multiple GREE patents. And I've
6 put here on the slide which ones. We'll present that in
7 much more detail so you can see during the evidence phase
8 exactly which patents we believe each game infringes, but
9 those are the three Supercell games that we're going to
10 talk about.

11 And now, Supercell has been very, very successful
12 with these games, particularly in the U.S. market, and
13 that's the market we're here to talk about in this case.

14 So in the U.S. market, just for these three games,
15 and just during the time that Supercell began infringing
16 GREE's patents in 2015, Supercell's made almost \$3 billion,
17 with a B, among those three games. And this is all from
18 people who have decided that they like the games well
19 enough that they want to pay. They don't want to just play
20 it for free like you could do, they want to pay.

21 So that's how successful Supercell has been from
22 its games.

23 And now, we certainly agree, there may be other
24 things that drove that, as well. But we believe and we
25 think we will show you that at least some portion of that

1 success comes from Supercell's decision to adopt infringing
2 features in its games in GREE's patents, and to put those
3 features in its source code for the games.

4 You'll hear first thing Monday morning from
5 Dr. Robert Akl. I think he's -- yeah, Dr. Akl, if you
6 would please rise. Professor Akl comes here from Dallas --
7 thank you, Dr. Akl -- and he's going to be our first
8 witness on Monday morning. He's a tenured professor there
9 in engineering and computer science. And he's done a lot
10 of work in this case to examine Supercell's games, not just
11 played them, but he's actually gone under the hood and
12 looked at the source code, which is the computer language
13 the games that are written in, and that's how you can
14 really tell there's infringement.

15 So he's looked under that hood and looked at that
16 source code, and he's found GREE's patented technology
17 there in the source code. And he'll show you exactly where
18 he found it in the games on Monday.

19 Now, I'll warn you, he's going to be on the stand
20 for a little while. It's going to be a few hours. The
21 infringement is extensive. And so I think you'll probably
22 hear from him at least all of Monday morning. But he'll --
23 we're going to present him first so you can see why we
24 believe there's infringement, and you can look at that
25 evidence.

1 And as you've heard several times, infringement is
2 our burden to bear. We have to prove it and prove it by a
3 preponderance of the evidence. You've got this balanced
4 scale. We've just got to tip it a little bit.

5 Now, I think we're going to tip it a whole lot.
6 But as you've heard, we just have to tip it this little bit
7 for you to find that there's infringement.

8 And let's talk a little bit about the specific
9 features of the Supercell games that infringe that you're
10 going to hear about.

11 For the first set of patents, the social gaming
12 patents, this is the one that three Supercell games
13 infringe. Those patents that GREE filed the application in
14 March of 2013, and about a year later Supercell introduced
15 Clan Wars and Clash of Clans that infringes. And then
16 after that, Hay Day and this Neighborhood Derby, and then
17 they put Clan Wars into Clash Royale a few years later.
18 And so those features Supercell added after we filed for
19 these patents.

20 They did the same thing for the attack strength
21 patent. That patent was filed in 2014, and they put a
22 feature in Clash of Clans which allows the bonus for a
23 certain type of troop, this dragon. You'll hear about Baby
24 Dragon. They put that in a couple of years later.

25 The next patent, same thing, GREE filed for it in

1 2013. A few years later Supercell came out with Clash
2 Royale which infringes the live battle patent.

3 And then, lastly, these prize selection patents,
4 GREE filed for those in 2012, and Supercell came out with
5 Clash Royale and a number of features but one you're going
6 to hear a lot about is Legendary King's Chest a number of
7 years later. And these aren't just minor features by the
8 way. These are major pieces of the game.

9 Now, you don't have to believe me. You can look
10 at Supercell's own documents that say that. Their internal
11 documents, the things they wrote and said outside of this
12 courtroom.

13 This, for example, PTX-135, is a presentation
14 Supercell did to the game industry. And it talks about
15 this infringing Clan Wars feature which infringes the
16 social gaming patents. They say it's the social glue of
17 Clash, massively popular, supercharged the metrics,
18 including the revenue.

19 And who said that? Well, it was the game lead for
20 Clash of Clans, the person in charge of the game, Mr. Eino
21 Joas, who said -- and this is what he said in his
22 deposition here, and you'll hear this next week. He said
23 that Clan Wars really was the social glue of Clash. It
24 made people excited to play the game. And he said, in
25 fact, before Clan Wars, before 2014, the name of the game

1 was Clash of Clans, but there hadn't been clashing between
2 clans. What that is, if you play the game, you can join a
3 clan with a bunch of other people, and then you can get
4 your clans together with other clans and you can have these
5 Clan Wars. So it really put the name in the game. It's a
6 key puzzle piece for the Clash of Clans puzzle.

7 To use an analogy you heard earlier, it's the
8 engine that gets you a hundred miles per gallon. It's not
9 the hubcap. It's important to the game and to the over \$1
10 billion in revenue that Supercell has earned here in the
11 U.S. on Clash of Clans alone.

12 In fact, if you go to the App Store, Supercell
13 advertises Clan Wars as one of the features to get people
14 to try the game out and decide if they like it so much they
15 want to pay for it.

16 Similarly with Hay Day and the Derby feature, that
17 was added a few years after our patent, and Supercell
18 itself said it's one of the biggest successes, that Derby
19 has become the most important feature of the game. In
20 fact, the game had started to lose traction before, as you
21 see right here. This is, again, Supercell saying this
22 internally, but Derby had become the most important
23 feature. Is it a hubcap or engine? Well, 79 percent of
24 the weaponry for the game is tied to players playing the
25 Derby, and it's so heavily incorporated, it's impossible to

1 separate it.

2 Same thing with Legendary King's Chest for Clash
3 Royale. It's the main revenue driver, generates the most
4 revenue out of the game. Again, these are key puzzle
5 pieces.

6 And GREE's inventions, the infringement that
7 Supercell has done, are the key puzzle pieces in each of
8 Supercell's games. Without those puzzles, the games are
9 incomplete. That's why Supercell added these features in.
10 With the puzzles, supplies like GREE's patented inventions,
11 Supercell games are more complete and more successful.

12 Now, you'll hear from a couple of other witnesses
13 as well. One of them that's in this courtroom, Dr. David
14 Neal. If you could please rise, sir. Dr. Neal is a survey
15 expert. You'll hear from him early next week. Thank you.
16 He did a survey -- he didn't just take what Supercell said
17 about it. We asked Supercell players in a double-blind
18 survey: Do you like these features? Do you think they're
19 important? Do you use them? Do you even know about them?

20 And you'll see that particularly among players who
21 pay to play these games, there's a high level of awareness,
22 they use them, and they think they're important features.
23 You'll hear Dr. Neal talk about that. This is just an
24 example on Clan Wars.

25 You'll also hear from our financial expert,

1 Dr. Becker -- Dr. Stephen Becker from Austin. He's going
2 to come up next week early and talk to you about what he
3 believes the appropriate amount of damages would be, the
4 royalty here.

5 And the question is what would Supercell and GREE
6 have agreed to if they sat down at a table and worked this
7 out. That's the standard that you'll apply, and you'll
8 hear him -- you'll hear him give his opinions on that, and
9 that has to do with what is the value of these inventions
10 to Supercell? How much are they using them? How important
11 are they? And what would the parties have concluded is an
12 appropriate royalty? And you'll hear that out of this
13 nearly \$3 billion in revenue, Dr. Becker will give opinions
14 that he thinks these patents contribute between 1 and 2
15 percent, and that that's the appropriate royalty rate that
16 the parties would have agreed if they had concluded the
17 negotiation.

18 Now, these numbers here are for past damages -- so
19 in other words, from beginning in 2015 for a couple -- for
20 one of the patents up through the time of this trial, just
21 before it, but there's also a question of future damages
22 because after all, patents are valid and enforced for
23 around 20 years. They've got a lot of life on them, as
24 they say.

25 And in this case, the numbers for past damages

1 would just take care of Supercell's infringement from 2015
2 through today, but the patents go on and do not expire
3 until 2034. So you'll hear a discussion of whether a lump
4 sum is the right form of a royalty or not. And I think
5 there'll be some argument on that. And that's
6 essentially -- a lump sum just means what it sounds like.
7 It's a one-and-done payment. You pay right now. You can
8 use it the rest of the life of the patent. And that, of
9 course, involves a lot more use. 13 more years. And the
10 past damages wouldn't account for that.

11 And so that's what Dr. Becker will calculate as
12 well as if there were a lump sum. And why would that be
13 appropriate? Well, Supercell's goal, as it has said
14 repeatedly, is to create great games that people play for
15 years and are remembered forever.

16 So they're not just a company that puts out games
17 and pulls it off in a year and gets a new one. They make
18 games that last, and these features have lasted. They've
19 been in the games for a number of years. And so it's every
20 reason to believe they would continue using the features,
21 and they need to pay to do that, and so that's where the
22 lump sum comes in.

23 Now, the calculation, Dr. Becker will explain, but
24 essentially you look to what the usage would be in the
25 future, the expected usage. You discount that to the value

1 of the 2021 dollar and so forth. And that's how you would
2 get to these figures that he'll present to you, which is
3 the \$92 million figure that you heard a little bit earlier
4 today. He'll walk through that in detail. We very much
5 agree it's our burden of proof to prove to you what the
6 damages are, and we intend to do that.

7 Now, the question of infringement itself, just
8 regular infringement, that's not something that Supercell
9 has to have meant to do. And you'll hear that in the
10 Judge's instructions at the end of the trial. They could
11 have not known about the patents at all. Just like, you
12 know, if you're on someone's land and you don't know it,
13 someone else's land, you can still be held liable for
14 trespassing?

15 THE COURT: You have five minutes remaining.

16 MR. MOORE: Thank you, Your Honor.

17 Supercell doesn't have to know about that, but
18 there's another type of infringement called willfulness,
19 and that's what we'll talk about, as well. We believe the
20 evidence will show that Supercell did know it infringed and
21 so it did so willfully, as well. This is the timeline you
22 saw before.

23 In 2016, GREE told Supercell about its
24 infringement of various patents. It wrote them about
25 mostly Japanese patents, some of which are related to the

1 patents in the trial here today. And it told them that --
2 that it would like to reach a license, said we'd like to
3 negotiate with you.

4 Well, Supercell didn't agree to enter into a
5 license after they got this letter, and so GREE filed suit
6 in Japan first. And what happened then? The parties
7 fought there for a little bit.

8 But here's one thing you haven't heard yet.
9 Here's one key fact to this case that you don't -- you have
10 not heard yet. And that is that in early 2019, GREE and
11 Supercell entered into a settlement agreement in Japan but
12 only for the Japanese patents that GREE owns, not for any
13 of the U.S. patents.

14 So Supercell did the right thing in Japan. It
15 agreed to settle and paid GREE for the right to use patents
16 in Japan. But it didn't do that here in the U.S. And
17 that's why we're here because Supercell's continued to
18 refuse to pay for the use of GREE's patents in the U.S.
19 like it already agreed to do for the patents in Japan.

20 What will you hear from Supercell? We think
21 you'll hear a lot of excuses, frankly. They'll say they
22 don't infringe, but we're going to prove to you they did,
23 then they'll say for four of the six patents, the patents
24 are invalid, but not only are they presumed valid, but
25 they've got a higher burden of proof as you heard, and the

1 Patent Office considered a lot of prior art.

2 This is just the list of the prior art, not the
3 prior art itself. Supercell's going to argue that the
4 Patent Office made four mistakes in a row, but it
5 considered all the prior art, all the relevant prior art,
6 and rightly issued the patents.

7 Supercell's also going to try to rewrite history.
8 They're going to say, well, actually we started doing what
9 the patent said in 2012 when Clash of Clans came out, and
10 so, no, it wasn't these features we added that infringed.

11 We were doing it before, and so the patents are
12 invalid.

13 But that's not right. The game didn't do -- Clash
14 of Clans wasn't -- the social glue wasn't in there. The
15 clans couldn't clash in 2012. That happened later, and
16 that's when Supercell started infringing.

17 Now, they're also going to say, well, the patents
18 aren't worth much. They're going to say, you know, one
19 thing they're going to do is try to spin this Japanese
20 settlement.

21 They're going to say, well, let's look at what we
22 paid there, and I'll tell you what they paid. They paid
23 four and a half million dollars in Japan. And they're
24 going to say, well, why would we pay this much here if we
25 already paid that in Japan? But everybody, even their own

1 witnesses agree the economics in Japan are not comparable
2 to the economics here in the U.S.

3 For one thing Supercell has made \$3 billion here.
4 Didn't make that there. Made eight times more money here
5 in the US. So they shouldn't pay just a little bit. They
6 should pay for what they've used. And also the legal
7 systems, the patent systems are not the same. Everyone
8 agrees it's just not comparable.

9 And then, lastly, Supercell will tout their
10 success. They'll say, well, you know, it's actually GREE
11 that's been unsuccessful. They had to close their
12 operations in the U.S. They looked at Supercell's games
13 and praised them.

14 Well, that doesn't give them a pass to use our
15 patents. We don't agree with a lot of that, but ultimately
16 it's a sideshow. The question is, do they infringe? And
17 if so, what value do they get out of it?

18 You may hear a lot of mud being slung at GREE
19 throughout the course of this case, but it's a side show to
20 the questions you're here to decide.

21 We filed for our patents before they added these
22 infringing features, and they infringe, and that's what's
23 important.

24 Supercell is using our inventions in its games.
25 It's in their source code. Supercell paid for the

1 permission to do that in Japan, but it didn't do that here
2 in the U.S.

3 It needs to take responsibility for its actions,
4 needs to play by the rules. This trial is our chance to
5 ask you to make them do that, and so we thank you once
6 again, ladies and gentlemen, very, very much for your
7 service in this important case others for your attention
8 here today, and we look forward to presenting our case to
9 you first thing Monday morning.

10 Thank you.

11 THE COURT: Defendant may now present its opening
12 statement to the jury.

13 Would you like a warning on your time, counsel?

14 MR. SACKSTEDER: I would, Your Honor. Thank you.
15 Five minutes, please.

16 THE COURT: That will be fine. Proceed when
17 you're ready.

18 MR. SACKSTEDER: Thank you, Your Honor. May it
19 please the Court.

20 Good afternoon, ladies and gentlemen. I bet you
21 didn't know you were going to have to hear so many
22 thumbnail sketches of lawyers' life stories when you came
23 here today, but I'd like to give you one more.

24 My name is Mike Sacksteder. I am counsel for
25 Supercell in this case. I grew up in a small town in

1 southern Indiana where my father was a minister and my
2 mother was a school teacher.

3 I live, as well, in California right now where I
4 practice law. My wife and I have a -- what I was about to
5 call a little boy, but we had his 11th birthday party
6 virtually by Zoom this week, and so he's getting bigger
7 now.

8 And my wife is a magazine editor, and so I did
9 want to introduce myself to you before I got started.

10 Second thing I want to do is say thank you. I
11 know it's been a long day. You are -- have been attentive
12 through the whole process, and you continue to be.

13 And it's really important that you are, because
14 there are some things that jurors -- and you've heard this
15 kind of in bits and pieces throughout the day, but there
16 are things that are really, really important for juries to
17 pay attention to, and I'd like to ask you, please, to do
18 that.

19 Three things. One is -- and this has come up
20 several times, is keeping an open mind. You've heard
21 Mr. Moore make his case.

22 We're going to put on the evidence next week. But
23 there are two sides to the story. And there are a lot of
24 things that you haven't heard yet, and I'm not going to be
25 able to get to all of them, it's late on Friday afternoon,

1 and I don't have that much time.

2 But through the next week, you're going to see a
3 lot of different things that may change your view of the
4 way things are. So please keep an open mind.

5 The second thing is focusing on the evidence.
6 Again -- and you've heard this again, what Mr. Moore said,
7 what I say, not evidence.

8 But there is important evidence, often evidence
9 that is in the words of the parties themselves. Sometimes
10 when they didn't think anybody else was looking, and that's
11 very important for you to focus on.

12 And, finally, I believe in your preliminary
13 instructions, you heard that you should apply your common
14 sense.

15 That's what the jury is for in this country.
16 That's why we have a jury system is that we trust people
17 like you to apply common sense and to really think about
18 things, and to apply that to make the decisions about the
19 facts in the case.

20 Before I go any further, I would like to introduce
21 my colleagues at the table. The first, Mr. Greg Harper,
22 you've heard him introduced before. He is the general
23 manager of Supercell. He's on the company's board of
24 directors, and he is in charge of the United States
25 operations of Supercell.

1 You met Mr. Dacus a little bit earlier.

2 And my law partner, Bryan Kohm, will also be
3 speaking to you or to the witnesses from time to time, and
4 so I wanted to introduce all of them.

5 So let's go to the history of Supercell and just
6 sort of talk about it a little bit. This is -- this is
7 where Supercell started.

8 It's one room in Helsinki, Finland. A handful of
9 people who started in 2010 to make games that would be
10 engaging and make people want to play them. And it was a
11 very, very small operation when it started.

12 The picture on the right is the person who is one
13 of the founders. To this day, he is the chief executive
14 officer, the CEO, of Supercell, but you'll notice he's
15 working on a card board box, because they didn't have
16 enough desks for people to work on.

17 So when they started, they had their CEO working
18 on a card board box, and it was actually out in the hallway
19 because they didn't have enough room for him in the office.

20 Supercell's grown somewhat. This is the -- I
21 believe it's a picture from the most recent sort of company
22 off-site gathering for Supercell.

23 And that shows -- it doesn't show the whole
24 Supercell team, but it shows a fair number of them, game
25 developers, people who design games, people who develop

1 games, and so forth.

2 And I do want to say one other thing. When you
3 are successful in this industry, it is common for other
4 larger companies to want to invest in your company.

5 That has happened in this case, and there is
6 another larger company that is a majority investor in
7 Supercell now.

8 So Supercell grew through its innovation. Their
9 mission was to create these fun and positive games that
10 people would want to play. They started with the games
11 Hay Day and Clash of Clans. The other three games that are
12 with -- are Supercell's primary games now are Boom Beach,
13 Clash Royale, and Brawl Stars.

14 I want to start with Supercell's first
15 best-selling games, Hay Day and Clash of Clans.

16 If we can look at the timeline.

17 So Supercell was founded in 2010. In June of
18 2012, Hay Day was released publicly.

19 In August of 2012, Clash of Clans came out. And
20 Supercell succeeded almost immediately. And I want to talk
21 for a second about a couple of things we heard before.

22 When I heard Mr. Dacus, I smiled when he was
23 talking about those flip phones, and how the company that
24 developed those was really innovative but then, you know,
25 you don't see them much anymore because they didn't

1 continue to innovate.

2 Well, I actually had a phone that was older than a
3 flip phone, and it looked like a little brick. And the
4 company that made that doesn't make cell phones anymore.

5 And now I have a watch that my wife can call me on
6 or text me on. So other companies caught up and went
7 ahead.

8 And that's what happened with Supercell.
9 Mr. Moore talked about a game called Fishing Stars at GREE.

10 And Fishing Stars came out in 2007, and I have no
11 doubt that it was a great game in 2007.

12 But you didn't hear anything about any other GREE
13 games since then in the opening statement.

14 GREE did not move with the times. And they were,
15 from the beginning, looking at Supercell as somebody who
16 was innovative and that they had to almost immediately try
17 to catch up to.

18 So if we could go to the next slide, please.

19 So I mentioned looking at the evidence. This is a
20 piece of evidence. This is an internal GREE document. The
21 exhibit number is -- by the way, is DX-141B, and the reason
22 for its B is that it's the English translation of the
23 document.

24 It was originally written in Japanese. The date
25 on that is September 10th, 2012. That's about a month and

1 10 days after Supercell came out, about a month and a week.

2 And the whole document, the whole slide
3 presentation is called Clash of Clans Research. They were
4 already looking at Clash of Clans as a successful game in
5 their market in 2012, in September of 2012.

6 So we can go to the -- we'll come back to this
7 document, by the way. There are a couple of things that
8 are interesting in it.

9 In November of 2012, here is an email, and it
10 involves Mr. Araki, who is sitting at the table here. And
11 they are talking about -- they want to, you know, design a
12 game that is in -- what's called RTS, that means, I
13 believe, real-time strategy.

14 And that's the field that Clash of Clans is in.
15 And so they're saying, you know, we need to get into this
16 market.

17 And then this Chris Parette person, who is
18 e-mailing with Mr. Araki, says, if Clash of Clans is the
19 bar, we have a lot of work to do it. It's a very polished
20 and well-thought-out game.

21 Now, it's important to notice that this is all
22 happening in late 2012. This is before -- long before any
23 of GREE's patents issued.

24 It's before all but two of them were even filed.
25 So Supercell does not owe its success to any patents that

1 GREE says, incorrectly, are infringed. Supercell was
2 already doing great before any of this came up.

3 Can we go to -- this is another email where
4 Mr. Tanaka in February of 2013, it has an email -- it's a
5 long email string, but with Mr. Araki and Mr. Tanaka, the
6 CEO of GREE.

7 And they're talking about Supercell, as well, and
8 talking about how they hear rumors that Supercell is making
9 a lot of money, and if they can learn anything from them,
10 let's learn it, because Supercell had already become an
11 innovator, one of the primary innovators in the market, and
12 GREE recognized that.

13 And at the same time, you know, we mentioned -- I
14 think Mr. Moore even mentioned, that GREE had tried to get
15 into the U.S. market, and all of this was kind of happening
16 at about the same time --

17 We can go to the next slide, Mr. Smith.

18 -- and was not doing very well with that. And
19 their gaming was not going where -- well generally, as
20 well.

21 This is the annual report for GREE to its
22 shareholders in 2014. If you go to the first page there,
23 this is the message to the stakeholders from Mr. Tanaka,
24 again, the CEO.

25 And he's saying, basically, we didn't do so well

1 this year. And the reason that he gives for that is the
2 rapid spread of smartphones and the decline of the feature
3 phone market.

4 Now, feature phones are older types of phones, not
5 smartphones, like iPhones that we have now. And they
6 focused too much on the feature phone market early, and so
7 they did not -- were not able to keep up with companies
8 like Supercell and, frankly, a lot of other ones.

9 Okay. So let's talk about the actual patents for
10 a minute. I just want to sort of discuss the nicknames
11 that we're all giving to the patents for a little bit.

12 You know, GREE calls them one thing, we call them
13 something else because we think that those are the focuses
14 of those patents.

15 The -- we call them the comic strip patent, the
16 decreasing power patent, the scratch card patents, and the
17 game pieces patents. And just to give one example, they
18 talk about the social gaming patents or the social glue
19 patents.

20 That's not what those patents claim. Those
21 patents claim -- claims relate to game pieces in games.
22 So, you know, we tried to give that an accurate name.

23 One of the things that you heard was Mr. Moore
24 talk about excuses. We don't think those are excuses. In
25 U.S. jury trials, those are called defenses, and those are

1 things that Supercell is entitled to raise because
2 Supercell does not believe it infringes these patents.

3 And in four instances, Supercell does not think
4 these patents are valid, three of them because of what
5 Supercell did before.

6 Let's talk about infringement briefly.

7 You have heard and will hear again that a patent
8 isn't infringed unless each and every element of the patent
9 is in the game, is used by the game.

10 To give you an example of that -- if we can go to
11 the next slide, Mr. Smith.

12 So let's imagine that there is a patent that
13 covers a soccer ball, and it has these different elements
14 in it.

15 It has to be made of leather, has to be stitched
16 together, has to be filled with air, and has to be round in
17 shape. You have to have all of those in order to infringe
18 a patent.

19 Well, if you have a football, it's made of
20 leather, it's stitched together, and it's filled with air,
21 but because it is not round in shape, it's oblong, it
22 doesn't infringe that patent.

23 So that's the way it works. We're going to have
24 our experts, Mr. Stacy Friedman and Dr. Jose Zagal, who are
25 the both out in the audience today, and they are some of

1 the premier experts in the video game field in the country.
2 They are going to be explaining why the Supercell games do
3 not infringe.

4 So, you know, the comic strip patent, I'm not
5 going to go into this in great detail. It's based on sort
6 of a comic strip concept.

7 It is asserted against our game, Clash Royale. We
8 think that when we compare the claims of the patent to
9 Clash Royale, you will see that there is no infringement
10 there.

11 Another example is the scratch card patents. I
12 think we all kind of call them something like that, but I
13 guess they call it a prize selection patent.

14 These patents talk about cells and the items --
15 and I don't want to get too deep in the weeds on this right
16 now. We'll hear a lot of expert testimony next week -- and
17 it requires that each cell has to be associated with each
18 item, meaning there's an each-to-each relationship. But
19 that isn't what Clash Royale does at all.

20 Clash Royale gives the user a choice between
21 cards, and each choice is exactly associated with a card.
22 So it's one-to-one, it's not each-to-each. So that's why
23 you will hear there's no infringement there. We can move
24 on.

25 Okay. I'd like to talk about invalidity briefly,

1 and we saw the -- we've seen a couple of times the picture
2 of the barbed wire fence and talk of trespassing.

3 And that is true, that patent infringement is like
4 trespassing. But there are a couple of reasons why you --
5 in some circumstances, don't trespass, you don't infringe.

6 One, I never went over the fence, I never went
7 into the property, that's non-infringement, effectively.

8 But also, if you're trying to put the fence around
9 something that you don't own, something that either belongs
10 to the public because somebody else did it before, or in
11 some instances belongs to Supercell, then you're
12 effectively trying to take something that isn't yours, and
13 you can't prosecute somebody or sue somebody for
14 trespassing on it.

15 So that's like patent invalidity, that if somebody
16 else did it before, especially if it was Supercell, then
17 there is no -- you know, the Court said that invalidity is
18 a defense to patent infringement. You can't infringe an
19 invalid patent.

20 So let's go back briefly to this Clash of Clans
21 research document again. And here it is -- down at the
22 bottom, let me move through this pretty fast, Mr. Smith.

23 There is a guild versus guild targeting and a gem
24 that is a prize. And this is GREE saying, here's what
25 Supercell's games did in September of 2012.

1 And down there it shows something called a Clash
2 Tournament -- or a Clan Tournament. That's something that
3 you didn't see on the timeline in GREE's opening statement,
4 but that is something that happened before they filed their
5 patents.

6 And if what we do now, if what Supercell does now
7 infringes the patent, then this came before it and
8 invalidates the patent.

9 So they have that problem, and they recognized it
10 because this is in their own document.

11 Can we go to the next one, please?

12 Okay. Another one that they have the same problem
13 with is that the '346 patent, which we call the comic strip
14 patent, but it relates to playing cards into the field of
15 battle that then are animated as troops, basically.

16 And they accuse Clash of Clans of doing that and
17 infringing their patent. Again, we don't think we infringe
18 the patent, but if we did, we did it in 2012 with Clash of
19 Clans.

20 And, again --

21 If we go to the next slide.

22 Again, it's in the same Clash of Clans research
23 document. If you look at the illustration on the right, it
24 says it right there, tap or press and hold to deploy
25 troops.

1 That's the same thing that they say that Clash
2 Royale does that infringes their patent. So that is
3 evidence, it's evidence from GREE that shows that their
4 patent, if it is infringed, it's invalid because it's
5 invalid if somebody else did it before, and here Supercell
6 did it before.

7 Okay. We can move to the next one.

8 Okay. A couple of other points --

9 Mr. Smith, could we actually put up that -- the
10 slide that had the stacks of patents with the references
11 cited to the Patent Office? It's actually from Mr. Moore's
12 presentation.

13 So I had mentioned earlier that you have to look
14 at the evidence. It's very important. Now, there's big
15 stacks of patents here that show supposedly that a lot of
16 different prior art references were cited to the Patent
17 Office.

18 But if you look at these really closely, they
19 aren't the right patents. Those are, in some cases,
20 patents that aren't even asserted in this case. And the
21 actual patents have, like, a page, maybe a little over a
22 page of prior art references in some cases, this big stack.

23 So throughout this trial, we need to look very
24 closely at the evidence.

25 Can we go to the other slide from GREE's

1 presentation, please?

2 So the other one, and I just want to sort of point
3 out that it's important to look at what to emphasize
4 sometimes.

5 If you look at this, this shows what GREE says is
6 a notice letter regarding their patents.

7 Well, they're -- if you look at the text in that
8 blown-out paragraph, there are those three little stars,
9 and that means they left something out.

10 What they left out is the part there in that back
11 part, on the left, which shows that there's a long list of
12 patents, and all but one of them says JP at the beginning.

13 Those are Japanese patents. Those are not U.S.
14 patents. They were, you know, filed and published and
15 issued in Japanese.

16 There's one U.S. patent application that is
17 identified at the bottom. It is not at issue in this case.
18 And it is a patent that Supercell challenged the validity
19 of. So this letter, in Supercell's view, doesn't provide a
20 notice at all of anything that's relevant to this case.

21 All right. We can move back to the next one.

22 So I want to talk just briefly about all that
23 money that GREE is asking for.

24 And here's where your common sense really comes
25 in. I really don't like to talk about the damages demand

1 at all in this case because we don't think the patents are
2 infringed.

3 Regarding four of them, we don't think they are
4 valid, and if that's the case, we don't owe them anything.
5 We don't owe them a penny, and that's what we think is the
6 case.

7 But just because they have brought up such a huge
8 amount of money, I think you ought to think and use your
9 common sense about what this case is really about, and
10 think about whether these damages claims make any sense.

11 Let's move on here.

12 Now, the game pieces patents. One example of the
13 game pieces here is, if you look at those -- they're little
14 metals next to the numbers there, and we'll go into great
15 detail next week, but those are the -- what GREE says are
16 the game pieces in the Supercell game.

17 If you got rid of those, there wouldn't be any
18 game piece. So the difference between having a number but
19 no game piece, which would not infringe, and the number and
20 the medal, which they say does infringe, although we
21 disagree.

22 They say the difference in value is \$40 million.
23 And that's where your common sense has to come in. Having
24 a picture of a medal on the screen is worth \$40 million?
25 Think about it.

1 Let's go to one more example.

2 So, again, in the -- what we call the comic strip
3 patent, the one that's asserted against this part of Clash
4 of Clans, one of the things that is necessary in order for
5 there to be infringement is for -- you see that part on the
6 right there?

7 You can barely see there's a little Baby Dragon
8 character starting to come into existence, and there's a
9 little thing that says negative 4.

10 That is, according to GREE, text that overlaps
11 with a panel. If that text did not overlap, if you moved
12 it over to the side there, that infringement argument
13 wouldn't work.

14 And they say the difference between having the
15 negative 4 over the Baby Dragon, and having it there off to
16 the right, they think that's worth \$6 million.

17 You got to think about what this case is about,
18 ladies and gentlemen, and you have to apply your common
19 sense.

20 So I'm not going to take any more of your time.
21 I'm very grateful for your attention. I know it's late in
22 the day. Supercell considers this case very, very
23 important.

24 The jury system, in allowing Supercell to stand up
25 for its rights, is very, very important. And we really

1 can't thank you enough for your time and your attention.

2 Thank you, Your Honor.

3 THE COURT: All right. Ladies and gentlemen,
4 you've now heard opening statements from both Plaintiff and
5 Defendant.

6 We're going to recess until Monday morning. As we
7 start Monday morning, the Plaintiff will begin, as I told
8 you, its case-in-chief, and we'll have Plaintiff call their
9 first witness first thing Monday morning.

10 As you leave the jury room in just a minute,
11 please take those juror notebooks with you. Please leave
12 them closed on the table in the jury room.

13 They'll be there Monday morning when you get back.
14 You should either have those notebooks in your possession,
15 like you do now, or they ought to be in the jury room.
16 They shouldn't be left other places.

17 There may be times during the trial when we're
18 going to have a short recess, and you won't be out of the
19 jury box too long, and I'll simply say, ladies and
20 gentlemen, you may leave your notebooks closed and in your
21 chairs. And if I do that, that's fine.

22 But unless I give you that kind of instruction,
23 take them with you and keep them in your possession.

24 Please follow all the instructions I've given you
25 about your conduct as jurors, including, first and

1 foremost, don't communicate with anybody about this case.

2 And I promise you, unless you live alone, when you
3 get home, the first question you're going to hear is, what
4 happened in federal court?

5 Just don't even try and answer that question.
6 Blame it on me. That's part of what I'm here for.

7 But please follow all my instructions. Please
8 have a good weekend, travel safely, and please be back
9 prepared to go forward, assembled and ready in the jury
10 room by 8:30 on Monday morning.

11 With that, the jury is excused until Monday.

12 COURT SECURITY OFFICER: All rise.

13 (Jury out.)

14 THE COURT: Counsel, let me remind you of your
15 meet-and-confer obligations. I'll be available in chambers
16 by 7:30 Monday morning.

17 I'll look for updates delivered to my staff Sunday
18 evening, and, again, if there are any surviving unresolved
19 disputes by 7:00 o'clock in written form Monday morning.

20 But I'll be prepared to meet with you at 8:30
21 (sic) in hopes of disposing of all of any such items before
22 we meet at 8:30 to bring in the jury.

23 Hopefully you won't have any, but if you do, I'll
24 be available to you as a way to maximize your designated
25 trial time.

1 With that, is there anything from either Plaintiff
2 or Defendant before we recess for the day? Anything from
3 Plaintiff?

4 MR. MOORE: No, Your Honor.

5 THE COURT: From Defendant?

6 MR. DACUS: No, Your Honor. Thank you.

7 THE COURT: We stand in recess until Monday
8 morning.

9 COURT SECURITY OFFICER: All rise.

10 (Proceeding adjourned, 5:17 p.m.)
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CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct transcript from the stenographic notes of the proceedings in the above-entitled matter to the best of my ability.

/S/ Shelly Holmes
SHELLY HOLMES, CSR, TCRR
OFFICIAL REPORTER
State of Texas No.: 7804
Expiration Date: 10/31/2021

4/30/2021
Date